

GENERAL GOVERNMENT CABINET
DEPARTMENT OF MILITARY AFFAIRS

MEMORANDUM

TO: Ms. Suzanne Renaud
Office of Auditor of Public Accounts

FROM: Larry C. Barker, Executive Director
Office of Management and Administration
Department of Military Affairs

DATE: 28 June 1999

SUBJECT: Title VI Implementation Plans, Update, and/or Compliance Report

Please be advised that the Department of Military Affairs Title VI manual has been reviewed per 45 KAR 1:080 Section 4 with no changes noted for items (1) through (13).

On 5 May 1999 a letter was forwarded to your office with changes noted. No changes have occurred since that date.

Any additional revisions or updates to the plan will be submitted as they occur.

If you have any questions, please contact this office at 607-1529.



COMMONWEALTH OF KENTUCKY
DEPARTMENT OF MILITARY AFFAIRS
OFFICE OF THE ADJUTANT GENERAL
BOONE NATIONAL GUARD CENTER
FRANKFORT, KENTUCKY 40601-6168



MEMORANDUM

TO: Ms. Linda Sagraves, Auditor of Public Accounts

FROM: Larry C. Barker, Executive Director
Office of Management and Administration
Department of Military Affairs

DATE: 5 May 1999

SUBJECT: FY 98 Title VI Implementation Plan and Compliance Report

Please be advised that the Department of Military Affairs Title VI manual has been reviewed per 45 KAR 1:080 Section 4 with changes as noted below:

- (1) No Change
- (2) No Change
- (3) Change Disaster & Emergency Services to reflect Division of Emergency Management. The name of the division was changed per legislation.
- (4) Add name of responsible individual as Larry C. Barker, Department of Military Affairs, Boone National Guard Center, Frankfort, Kentucky 40601; Telephone Number 502-607-1529.
- (5) No Change
- (6) Change Disaster & Emergency Services to Division of Emergency Management.
- (7) No Change
- (8) No Change
- (9) No Change
- (10) No Change
- (11) Add Public Notification/Outreach: The Local Coordinator is responsible for making pamphlets available to participants and for displaying Title VI posters in prominent places. It appeared that this was omitted from the last updated Manual.
- (12) No Change
- (13) No Change

Any additional revisions or updates to the plan will be submitted as they occur.

If you have any questions, please contact this office at 607-1529.

CABINET FOR ECONOMIC DEVELOPMENT
DEPARTMENT OF COMMUNITY DEVELOPMENT



PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
Cabinet for Economic Development
500 MERO STREET
CAPITAL PLAZA TOWER
FRANKFORT, KENTUCKY 40601-1975

MARVIN E. STRONG, JR.
SECRETARY

Memorandum:

To: Edward B. Hatchett, Jr.
Auditor of Public Accounts

Beverly L. Watts, Executive Director
Kentucky Commission on Human Rights

From: Jerry Frantz
Cabinet for Economic Development

Date: June 10, 1999

Subject: Title VI Annual Report/ Plan Update

The Kentucky Cabinet for Economic Development, Department of Community Development did receive federal funding and is subject to the Title VI Plan. Accordingly, a compliance activity report is attached which details actions taken consistent with the Cabinet's Title VI Policy.

However, not all Cabinet departments received federal funds during this period. Those not receiving federal funding and therefore not subject to Title VI requirements were:

Dept for Administration and Support
Dept of Business "Job" Development
Dept of Financial Incentives (contains the KY Economic Development Finance Authority)
Secretary's Office

We do not anticipate changes in our existing plan. Please contact me at telephone number 564-4300 ext 4274 should there be any questions concerning this information. Your comments and suggestions are welcomed.

Thank you.

c: attachment
Bill Hearn
Anthony Leachman



EDUCATION
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Kentucky Cabinet for Economic Development

July 1, 1998 - June 30, 1999

Title VI Compliance Activities

Advisory Board: As called for in the Cabinet's implementation plan for Title VI, the Secretary of the Cabinet established an Advisory Board of selected employees to help oversee, to monitor and to enforce the Cabinet's Title VI policies. Its purpose is to address Title VI issues and concerns. On the Board are - Jean Beckham, Jack O'Nan, Donna Howard, Mary Beth Cordy, Jim Kurz, Jerry Frantz and Bill Hearn. During this reporting period, the Board was not required to investigate, resolve or refer for further handling any Title VI issues. Nor, did the Cabinet Title VI Coordinator receive any Title VI complaints for action.

Programs Subjected to Title VI: The only Cabinet program subjected to Title VI compliance requirements, for this reporting period, was the KY Procurement Assistance Program (KPAP), Department for Community Development. This is an ongoing program. It receives federal funding to operate from the Defense Logistics Agency, US Department of Defense. KPAP's Title VI's compliance and certification process was reviewed by auditors from the Department of Defense and was found to be acceptable. This conclusion and other comments are contained in a report, which is currently being written by the auditors. The Cabinet will receive a copy and will retain it for review by all interested parties.

Collection and Reporting of Information: Consistent with the Cabinet's Title VI policy, the Cabinet coordinator requires any Cabinet recipient of federal funds to collect certain evaluative information. This is done to ensure Title VI goals are achieved and to measure progress towards meeting these goals. Such information, can include, but is not limited to, a reporting of any assistance rendered - - broken down by race, color or national origin. In line with this requirement the Cabinet's sole recipient of federal funds, KPAP, reported the following:

Assistance Provided	# of Minority	Goal	% of Goal Accomplished
Counseling	233	155	150%
Number of Contracts Obtained	19	11	172%
\$ of contracts obtained	\$2,083,838	\$850,000	245%

This data is considered sufficient for determining that KPAP benefits and services are available with out discrimination on the basis of race, color or national origin. Additionally, during this period 381 minority firms were helped which is 10.4% of the total number of clients (3650) KPAP has assisted since July 1, 1998. By comparison the minority population of the Commonwealth of Kentucky is 8.1%. Also, KPAP staff sent a survey to approximately 1,000 of their program users, asking for comments on program services. They received 325 completed

responses. None were returned with any comments or complaints alleging a person had been denied any assistance, service or benefit because of race, color or national origin. The only negative comments concerned response time.

We will be receiving an ARC federal grant for FY 2000. These funds will be used to support the Kentucky Economic Development Cabinet's GIS activities. Also, the Ky. Procurement Assistance Program will continue to receive federal Department of Defense funds.

EDUCATION, ARTS, AND HUMANITIES CABINET

DEPARTMENT OF EDUCATION

Ms. Suzanne Renaud
2501 Georgetown Road, Suite 2,
Frankfort, Kentucky 40601-5539

Dear Ms. Renaud:

Under Section XIII of the Title VI implementation plan, an annual summary is to be filed each year listing any and all complaints filed against the Kentucky Department of Education as well as a list of incidents of non-compliance by grantee agencies. In this year, I am happy to report that we have not received any complaints.

Sincerely,

Anne E. Keating
Assistant General Counsel
Office of Legal Services
500 Mero Street
Frankfort, Kentucky 40601
(502)-564-4474

EDUCATION, ARTS, AND HUMANITIES CABINET

KENTUCKY EDUCATIONAL TELEVISION



The Kentucky
Network

600 Cooper Drive
Lexington, KY 40502-2296
(606) 258-7000
<http://www.ket.org>

July 7, 1999

**Mr. Jim Clavell
Division of Financial Audit
Auditor of Public Accounts
2501 Georgetown Rd., Ste. 2
Frankfort, KY 40601**

Dear Mr. Clavell:

I am sending to you the following annual report on KET's Title VI activity in the 1998-99 fiscal year.

There were no complaints received by KET of any Title VI violations or from any KET grantee.

There were no revisions or updates of Title VI.

Sincerely,

A handwritten signature in cursive script that reads 'Ray Sullivan'.

**Ray Sullivan
Personnel Director**

/rs

An equal opportunity employer M/F/D.

Title VI Compliance Status
Education, Arts, and Humanities Assessment Sheet

NAME OF AGENCY/FACILITY <u>Kentucky Educational Television</u>		<u>Yes</u>	<u>No</u>
1.	Services from this facility are provided to clients without regard to race, color, or national origin.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.	An employee has been appointed to serve as Title VI Local Coordinator for this agency/facility.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.	Minorities are represented on the advisory board	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.	A written procedure exists for hearing and reviewing Title VI complaints.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.	Records are maintained regarding all alleged cases of discrimination.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.	Title VI posters (where possible) are prominently displayed and used to emphasize the Title VI program and complaint opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.	New employees are clearly informed about their responsibilities to clients under Title VI.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8.	Contracts between this agency and another party include the formal Title VI "Statement of Compliance" clause.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9.	Other parties which contract with this agency are clearly informed by this agency about their own responsibilities to clients under Title VI standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10.	All physical facilities and physical areas are made available to every client without regard to race, color, or national origin.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EDUCATION, ARTS, AND HUMANITIES CABINET
KENTUCKY ARTS COUNCIL



KENTUCKY ARTS COUNCIL
31 FOUNTAIN PLACE
FRANKFORT, KENTUCKY 40601-1942
PHONE: (502) 564-3757 (V/TDD)
FAX (502) 564-2839

PAUL E. PATTON
GOVERNOR

MARLENE M. HELM
SECRETARY
EDUCATION, ARTS & HUMANITIES
CABINET

GERRI COMBS
EXECUTIVE DIRECTOR

MEMORANDUM

TO: Ms. Suzanne Renaud
Auditor of Public Accounts Office

FROM: Carolyn Starbuck
Administrative Branch Manager

DATE: July 1, 1999

SUBJECT: FY99 Title VI Compliance Reports

This memo is to serve as the Kentucky Arts Council's annual summary for Title VI implementation.

The Kentucky Arts Council did not have any complaints or non-compliance recorded with Title VI for FY99. Attached you will find Title VI Compliance Status Report for FY99. The agency will continue to monitor all activities to insure compliance of the Cabinet's Title VI Plan.



PAYS

1-888-833-2787 (ARTS)
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Title VI Compliance Status Education, Arts, and Humanities Assessment Sheet

NAME OF AGENCY/FACILITY Kentucky Arts Council

	<u>Yes</u>	<u>No</u>
1. Services from this facility are provided to clients without regard to race, color, or national origin.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. An employee has been appointed to serve as Title VI Coordinator for this agency/facility.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Minorities are represented on the advisory board.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. A written procedure exists for hearing and reviewing Title VI complaints.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Records are maintained regarding all alleged cases of discrimination.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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7. New employees are clearly informed about their responsibilities to clients under Title VI.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Contracts between this agency and another party include the formal Title VI "Statement of Compliance" clause.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Other parties which contract with this agency are clearly informed by this agency about their own responsibilities to clients under Title VI standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. All physical facilities and physical areas are made available to every client without regard to race, color, or national origin.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EDUCATION, ARTS, AND HUMANITIES CABINET

KENTUCKY CENTER FOR THE ARTS

MEMORANDUM

TO: Ms. Linda Segraves,
Auditor of Public Accounts Office

FROM: Penelope Gleason,
Director of Human Resources
Kentucky Center for the Arts

DATE: June 16, 2000

RE: FY 99 Title VI Implementation Plan Updates
And Compliance Report

I am very happy to report that the Kentucky Center for the Arts had no Title VI complaints file for the fiscal year ended June 30, 1999.

We have reviewed the plan and added a plan requirement regarding percentage of minority representation on the governing Board to our Assessment Sheet. It is number 10 and highlighted on the attached document. We could find no need for further revision at this time.

KENTUCKY CENTER FOR THE ARTS

TITLE VI OF CIVIL RIGHTS ACT OF 1964

IMPLEMENTATION PLAN

I. Mission Statement for the Kentucky Center for the Arts

The mission of the Kentucky Center is to create an environment in which the artistic and economic vitality of the Commonwealth will be enhanced through the development, presentation, and promotion of programs that have a Kentucky, regional or national appeal, while employing the most efficient use of available resources.

No person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity.

II. Statement of Assurance

The Kentucky Center for the Arts will comply with all federal statutes relating to non-discrimination. These include, but are not limited to, Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color or national origin.

III Responsible Official

The Kentucky Center for the Arts designates the Department of Human Resources as the entity responsible for overseeing the implementation, regulation, monitoring and enforcement of the Title VI Implementation Plan.

IV. Effective Date

January 1, 1995 is the effective date of the Title VI Implementation Plan, per Senate Bill 248.

V. Complaint Procedures/System

Any person alleging discrimination based on race, color or national origin has a right to file a complaint within 180 days of the alleged discrimination. All complaints, written or verbal, will be accepted. In the event a complainant refuses or is unable to put his/her allegations in writing, a staff person will reduce the elements of the complaint to writing.

Forms are available from the Department of Human Resources to aid a complainant in filing a complaint, but the use of such forms is not required for acceptance of a complaint.

Complaints should contain the following information:

- * Name, address and telephone number of the complainant if known;
- * Location and name of the department delivering the service;
- * Nature of the incident that led the complainant to feel discrimination was a factor;
- * Basis of the complaint, i.e., race, color or national origin;
- * Names, addresses and phone numbers of people who may have knowledge of the event;
- * Date or dates on which the alleged discriminatory event or events occurred.

Complaints received by the Department of Human Resources will be handled as follows:

- * Complaints will be handled within 90 days of their receipt;
- * A letter will be sent acknowledging receipt of the complaint and requesting a time and date an investigator can reach the complainant by phone to discuss the complaint;
- * A preliminary inquiry will be conducted on all complaints to substantiate or refute the allegations;
- * If the preliminary inquiry indicates that there may be a problem, then a full complaint investigation will be initiated.
- * If the allegations are not substantiated, the complainant will be notified and told how the determination was made.

VI. Compliance/Noncompliance

Whenever a compliance review, report, complaint or any other information indicates non-compliance, the Kentucky Center will initiate a prompt investigation. The investigation will include a review of the pertinent practices and policies of the department or person involved, the circumstances under which the possible non-compliance occurred, and other factors relevant to determining whether a Kentucky Center department or person has failed to comply. If there is no basis for the complaint, the Kentucky Center department or person will be notified of that fact in writing. If there is a basis for the complaint, the department or person will be informed of the appropriate behavior expected and corrective, rehabilitative or disciplinary procedures shall be implemented immediately.

VIII Training

In service training programs for all employees will continually apprise staff members of their responsibility to render a high quality of services to all clients regardless of their race, color or national origin.

IX. Evaluation Procedures

The Kentucky Center for the Arts Department of Human Resources will ensure that the Kentucky Center continues to be in compliance with Title VI with periodic analyses of employment data and general population statistics and of general employment and customer service practices.

X. Public Notification/Outreach

The Kentucky Center for the Arts will take positive and

specific action to advise and inform the public about all available services and about their rights under Title VI. As part of its compliance procedures, the Kentucky Center will display posters and other literature stating that its program is in compliance with Title VI. Civil Rights requirements will be included in all guidelines and contracts.

XI. Record keeping

The Human Resources Department will prepare an annual report of its monitoring activities and complaint processing, as well as a Civil Rights evaluation. The reports will be submitted to the Secretary of the Education, Arts & Humanities Cabinet.

It is the goal of the Kentucky Center for the Arts to achieve and maintain a workforce at least as diverse as the population of the state of Kentucky. Current goals include having at least 7.4% of the workforce be comprised of minorities.

TITLE VI COMPLIANCE STATUS

Kentucky Center for the Arts Assessment Sheet

	<u>YES</u>	<u>NO</u>
1. Services from the Kentucky Center for the Arts (KCA) are provided to patrons, visitors, vendors and colleagues without regard to race, color or national origin.	<u> x </u>	<u> </u>
2. An employee has been appointed to serve as Title VI Local Coordinator for KCA.	<u> x </u>	<u> </u>
3. A written procedure exists for hearing and reviewing Title VI complaints.	<u> x </u>	<u> </u>
4. Records are maintained regarding all alleged cases of discrimination.	<u> x </u>	<u> </u>
5. Title VI posters are prominently displayed (where possible) and are used to emphasize the Title VI program and complaint opportunities.	<u> x </u>	<u> </u>
6. New employees are clearly informed about their responsibilities to patrons, visitors, vendors and colleagues under Title VI.	<u> x </u>	<u> </u>
7. Contracts between KCA and another party include the formal Title VI "Statement of Compliance" clause.	<u> x </u>	<u> </u>
8. Other parties which contract with KCA are clearly informed by KCA about their own responsibilities to patrons, visitors and vendors under Title VI standards.	<u> x </u>	<u> </u>
9. All physical facilities and physical areas are made available to every client without regard to race, color or national origin.	<u> x </u>	<u> </u>
10. Minorities are represented on the Board of Directors as at least 5% of the population of the geographic service area are minority persons.	<u> x </u>	<u> </u>

EDUCATION, ARTS, AND HUMANITIES CABINET
KENTUCKY HERITAGE COUNCIL



Education, Arts and Humanities Cabinet

KENTUCKY HERITAGE COUNCIL

The State Historic Preservation Office

Paul E. Patton
Governor
Marlene M. Helm
Cabinet Secretary

David L. Morgan
Executive Director and
SHPO

June 25, 1999

Mr. Edward B. Hatchett, Jr.
Commonwealth of Kentucky
Auditor of Public Accounts
Capitol Annex, Suite 144
Frankfort, KY 40601

Dear Mr. Hatchett:

The Kentucky Heritage Council has adopted the Education, Arts and Humanities Cabinet Title VI Plan for 1999. Enclosed, please find our Title VI Compliance Status Report form for the state fiscal year ending June 30, 1999. Please let me know if you need any additional information.

Sincerely,

David L. Morgan, Executive Director
Kentucky Heritage Council and
State Historic Preservation Officer

DLM:pb
enclosure

300 Washington Street
Frankfort, Kentucky 40601
An equal opportunity employer M/F/D



Telephone (502) 564-7005
FAX (502) 564-5820
Printed on recycled paper

Title VI Compliance Status Education, Arts, and Humanities Assessment Sheet

NAME OF AGENCY/FACILITY Kentucky Heritage Council
Year Ended June 30, 1999

	<u>Yes</u>	<u>No</u>
1. Services from this facility are provided to clients without regard to race, color, or national origin.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. An employee has been appointed to serve as Title VI Local Coordinator for this agency/facility.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Minorities are represented on the advisory board.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. A written procedure exists for hearing and reviewing Title VI complaints.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Records are maintained regarding all alleged cases of discrimination.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Title VI posters (where possible) are prominently displayed and are used to emphasize the Title VI program and complaint opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. New employees are clearly informed about their responsibilities to clients under Title VI.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Contracts between this agency and another party include the formal Title VI "Statement of Compliance" clause.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Other parties which contract with this agency are clearly informed by this agency about their own responsibilities to clients under Title VI standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. All physical facilities and physical areas are made available to every client without regard to race, color, or national origin.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EDUCATION, ARTS, AND HUMANITIES CABINET

KENTUCKY HISTORICAL SOCIETY

Commonwealth of Kentucky
Kentucky Historical Society
1999 Annual Summary
of Compliance

Civil Rights
Title VI/KRS 344.015

In compliance with the Education, Arts and Humanities Cabinet, the Kentucky Historical Society developed a Title VI compliance plan in 1994. The Society has also developed forms, literature and posters to assist in ensuring Title VI compliance. Copies of the Education, Arts and Humanities plan are available at the Society's personnel office, located in the Old Capitol Annex. Employee familiarization with Title VI has been implemented.

While the Society receives federal grants it does not re-grant federal funds. No Title VI-related complaints have been received against the Kentucky Historical Society in 1999.

Re: Agency Minority Recruitment Plan

At present the agency has 87 filled positions of which two are held by minorities. Two vacancies exist within the agency.

While the agency is exempt from KRS Chapter 18A, our minority recruitment efforts do draw upon the Department of Personnel's EEO office. Other initiatives include:

Minorities-oriented Publications: Louisville Defender; professional journals produced by such entities as the Association for the Study of Afro-American Life and History and the Afro-American Museums Association; The Community Voice News of Lexington.

Minorities –oriented Institutions: Kentucky State University placement office; Dr. Pat Pearson of Kentucky State University; Ann Sullivan, Center of Excellence, Kentucky State University and Bruce Trent, EEO coordinator for Kentucky State Government.

When advertised, these positions will be posted at major conferences such as the Society of American Archivists and the American Association of Museums and the Kentucky Association of Museums. Utilization of national and regional professional newsletters – South Eastern Museums Association newsletter, **Aviso**, History News Dispatch, and the Society of American Archivist newsletter. Placement ads also appear in the Courier-Journal, the Lexington Herald and the Frankfort State Journal. Position announcements are also circulated to all in-state university placement centers.

The Kentucky Historical Society is committed to using agency resources to attract more minority candidates and ensure its workforce is reflective of America's culturally diverse society. Too often our efforts have met with limited response due to the small candidate pool available.

TITLE VI COMPLIANCE STATUS

Education, Arts and Humanities Assessment Sheet

NAME OF AGENCY/FACILITY Kentucky Historical Society

	YES	NO
1. Services from this facility are provided to clients without regard to race, color, or national origin.	X	
2. An employee has been appointed to serve as Title VI Local Coordinator for this agency/facility.		X
3. Minorities are represented on the advisory board	X	
4. A written procedure exists for hearing and reviewing Title VI complaints	X	
5. Records are maintained regarding any alleged cases of discrimination	X	
6. Title VI posters (where possible) are prominently displayed and are used to emphasize the Title VI program and complaint opportunities.	X	
7. New employees are clearly informed about their responsibilities to clients under Title VI.	X	
8. Contracts between this agency and another party include the formal Title VI "Statement of Compliance" clause.	X	
9. Other parties which contract with this agency are clearly informed by this agency about their own responsibilities to clients under Title VI standards.		X
10. All physical facilities and physical areas are made available to every Client without regard to race, color, or national origin.	X	
Title VI Coordinator - Mary Ann Conley – Personnel Manager – 502-564 1792		

EDUCATION, ARTS, AND HUMANITIES CABINET
DEPARTMENT FOR LIBRARIES AND ARCHIVES

COMMONWEALTH OF KENTUCKY
DEPARTMENT FOR LIBRARIES AND ARCHIVES
1999 ANNUAL SUMMARY
OF COMPLIANCE

CIVIL RIGHTS
TITLE VI/KRS 344.015

In conjunction with the Education, Arts and Humanities Cabinet, the Department for Libraries and Archives developed a Title VI compliance plan. The department has also developed forms, literature and posters to assist in Title VI compliance. Copies of the Education, Arts and Humanities plan are available in several locations throughout the library for public use.

Thirty-six federal contracts to subgrantees have been awarded during the 98-99 fiscal year. All subgrantees have agreed to abide by the Title VI compliance plan of the State Library or submit their own plan. One other plan has been submitted at this time. All contracts for future subgrantees have been amended to include Title VI compliance. Program monitors have received forms to aid in their evaluation of each project. Subgrantee evaluation forms must be submitted to the Department Title VI representative before a contract is signed and/or by May 15th of each year. The forms will be kept on file by the representative and the information will be incorporated into the annual summary.

No complaints have been received against the Department for Libraries and Archives in 1999. No subgrantee has refused to abide by the Title VI Compliance and no complaints have been filed against any of the subgrantees.

Diane Poole
Title VI Representative
06-24-99

FINANCE AND ADMINISTRATION CABINET

KENTUCKY INFRASTRUCTURE AUTHORITY,
THOMSON-HOOD VETERANS CENTER,
DEPARTMENT FOR ADMINISTRATION-DIVISION OF SURPLUS
PROPERTY,
OFFICE OF THE CONTROLLER



PAUL E. PATTON
GOVERNOR

JOHN P. McCARTY
SECRETARY

FINANCE AND ADMINISTRATION CABINET
OFFICE OF EEO AND CONTRACT COMPLIANCE
ROOM 370, CAPITOL ANNEX
702 CAPITOL AVENUE
FRANKFORT, KENTUCKY 40601
(502) 564-2874
(502) 564-1055 (FAX)

YVETTE M. SMITH
EXECUTIVE DIRECTOR

July 1, 1999

Mr. Anthony Leachman, Director
Division of Financial Audits
2439 U. S. 127 South
Frankfort, KY 40601

Dear Mr. Leachman:

Subject: Title VI Plan Update

The Finance and Administration Cabinet's 1999 Title VI Plan Update contains information required by 45 KAR 1:080 (4). The update includes a discussion about programs and activities, complaint procedures, the training plan, evaluation procedures, record keeping and reporting, and minority representation on planning boards or advisory bodies. Consistent with reporting in previous years, the Kentucky Higher Education Assistance Authority and the Kentucky Housing Corporation submit updates independent of the Finance and Administration Cabinet.

PROGRAMS AND ACTIVITIES SUBJECT TO TITLE VI

Identify each program, type of assistance identified in the federal grant agreement, and the manner in which the agency shall deliver the service or perform the activity. List the federal program, coverages, and potential beneficiaries.

During the reporting period, four (4) programs were subject to Title VI compliance. These programs and the agencies under which the programs are administered follow.

Program: Federally Assisted Wastewater Revolving Loan Program
Agency: Kentucky Infrastructure Authority

Program: Veterans Home Program
Agency: Thomson-Hood Veterans Center



EDUCATION
PAYS

AN EQUAL OPPORTUNITY EMPLOYER M/F/D

Mr. Anthony Leachman
July 1, 1999
Page Two

Program: Federal Surplus Property Program
Agency: Department for Administration
Division of Surplus Property

Program: Empowerment Zone Program
Agency: Office of the Controller

There were no changes to report in the Wastewater Revolving Loan, the Veterans Home, or the Federal Surplus Property programs. Beginning in FY99, the Empowerment Zone program funds were administered by the Office of the Controller. The Office of the Controller provided the following information about the program.

“These grants are part of the Empowerment Zone/Enterprise Community Grants to address four key areas: economic development, sustainable community development, community-based partnerships, and strategic vision for change.” The office is “the pass through state agency for the Federal Funds in accordance with the grant agreement. Data showing the extent to which members of protected parties are participating in the program or activity is not available. The program is not governed by a board as the office is “a state agency acting as fiscal officer to draw federal funds.”

COMPLAINT PROCEDURES

Describe the complaint procedures within the agency.

Complaint Filing: A recipient or applicant of federal financial assistance may, upon adverse action by the Finance and Administration Cabinet, submit a written complaint to the Finance and Administration Cabinet. The Finance and Administration Cabinet shall respond to the complaint according to 11 KAR 4:030 (1).

Anyone believing that the Finance and Administration Cabinet, through its administration of federal financial assistance, has discriminated against a beneficiary on the basis of race, color or national origin may file a complaint. Complaints must be filed with the Title VI Coordinator in the Finance and Administration Cabinet, Office of Equal Employment Opportunity and Contract Compliance within 180 days of the alleged discrimination. Complaints may be filed orally or in writing.

Oral complaints will be documented by the Title VI Coordinator using the COMPLAINT UNDER THE CIVIL RIGHTS ACT OF 1964 form. Except where a violation of Title VI is verified by the Title VI Coordinator or by an external agency with the appropriate authority, the

Mr. Anthony Leachman
July 1, 1999
Page Three

Title VI Coordinator will not initiate an investigation until the complainant acknowledges the complaint by signing the form.

Written complaints—preferably using the COMPLAINT UNDER THE CIVIL RIGHTS ACT OF 1964 form—may be completed by the complainant or an authorized representative. If the complainant prefers not to use the form, a written statement of the circumstances surrounding the complaint may be submitted.

Describe agency procedures relating to investigations, reports of findings, hearings, and appeals.

Investigations: Upon receipt of the complaint, the Title VI Coordinator shall determine whether the complaint merits an investigation. If the Title VI Coordinator determines that the complaint does not warrant an investigation, the Title VI Coordinator shall notify the complainant in writing. The written notification shall include information about the complainant's right to file the complaint externally with the Kentucky Human Rights Commission. If the Title VI Coordinator determines that the complaint warrants an investigation, the investigation shall commence within thirty (30) calendar days after the receipt of the complaint.

The identity of the complainant shall be kept confidential except to the extent necessary to:

- 1) conduct the investigation or any related administrative or judicial proceeding.
- 2) resolve the noncompliance.
- 3) report compliance and enforcement efforts.

The results of any investigation shall be reported to the program head and to the Secretary of the Finance and Administration Cabinet using the REPORT OF INVESTIGATION form. This form summarizes the report of investigative findings. Should the investigation reveal a Title VI violation, the report shall reflect appropriate corrective action. The report shall be forwarded to the complainant within ten (10) working days after being submitted to the program head and to the Secretary of the Finance and Administration Cabinet.

Mr. Anthony Leachman
July 1, 1999
Page Four

The Title VI Coordinator may terminate the investigation if the complainant fails to cooperate with the investigation or if the complainant fails to submit requested material documentation or evidence within a reasonable timeframe. The Title VI Coordinator will send written notification to the complainant upon terminating the investigation.

Withdrawal of Complaints: If the complainant decides to withdraw the complaint, the complainant shall submit the WITHDRAWAL OF COMPLAINT form to the Title VI Coordinator.

Coordination of External Complaints: Pursuant to KRS 344.200, a complaint must be filed with the Kentucky Human Rights Commission within 180 days of the alleged discrimination. A complaint may first be filed with the Finance and Administration Cabinet and subsequently, upon finalization of the Finance and Administration Cabinet's action, with external agencies. Complaints may also be filed concurrently with any of the agencies.

TRAINING PLAN

Describe the agency education and training plan, orientation and technical assistance related to agency implementation of the plan.

The Office of Equal Employment Opportunity and Contract Compliance will communicate the Finance and Administration Cabinet's Title VI Plan to the agency's staff. This communication will identify the agency coordinator. The Title VI Coordinator will provide assistance with required forms and reporting procedures and explain the complaint process.

GOALS AND EVALUATION PROCEDURES

Specify how the agency shall measure its goals and the time frame established to achieve those goals.

- A. Annually utilize a self-survey and program review to determine compliance status.
- B. Initiate corrective action within thirty (30) calendar days of identifying noncompliance.
- C. Provide information to all current employees and incorporate Title VI information in new employee orientation training.

Mr. Anthony Leachman
July 1, 1999
Page Five

- D. Annually review all informational program publications pertaining to the Finance and Administration Cabinet's Title VI implementation plan.

RECORD KEEPING AND REPORTING

Describe the record keeping procedures.

Copies of all complaints, surveys, reports, and Title VI implementation plan updates will be kept on file by the Office of Equal Employment Opportunity and Contract Compliance. These records will be retained for a period of not less than six (6) years. These records may be retained at an off-site record facility.

Complaint forms will be available in the Office of Equal Employment Opportunity and Contract Compliance. Program heads with programs and activities subject to Title VI compliance will complete and submit an annual self-survey to the Office of Equal Employment Opportunity and Contract Compliance.

Any Title VI implementation plan updates required by KRS 344.015 will be forwarded to the Office of Equal Employment Opportunity and Contract Compliance.

Provide reporting data showing the extent to which members of protected parties are participating in the Title VI programs and activities.

The Kentucky Infrastructure Authority provided the following information about its programs.

"The Kentucky Infrastructure Authority's (KIA) Federally Assisted Wastewater Revolving Loan Program, also known as the State Revolving Fund ("Fund A"), was established in FY88. Capitalization Grants totaling \$202,505,589 in federal dollars have been received through FY99 with state matching monies of \$40,501,119 for a grand total of \$243,006,708. With these funds, KIA has provided construction and administrative costs for a total of 101 Fund A low interest loans to date. These borrowers include city and county governments, sanitation districts, and water/sewer commissions.

KIA's Federally Assisted Drinking Water Revolving Loan Program, also known as the State Revolving Fund ("Fund F"), was established in FY97. Capitalization Grants totaling \$23,410,400 in federal dollars have been received through FY99 with state matching monies of \$4,682,080 for a grand total of \$28,092,480. With these funds, KIA will provide low interest construction loans to eligible governmental agencies for drinking water projects.

Mr. Anthony Leachman
July 1, 1999
Page Six

For FY98, Kentucky negotiated with the Environmental Protection Agency (EPA) Region IV an overall fair share objective of 8 percent for MBE/WBE participation on activities financed by the SRF. EPA conducts an annual on-site review of the Revolving Fund Program for compliance with federal requirements.”

(Note: Information about construction contracts awarded to MBEs and WBEs will be forwarded under separate cover.)

MINORITY REPRESENTATION ON PLANNING BOARDS OR ADVISORY BODIES

Describe the representation of minorities on any agency board or advisory body. If minority representation is deficient on these bodies, describe what policy the agency shall implement to ensure minority participation on advisory boards.

The Kentucky Infrastructure Authority provided the following information about minority representation on its board.

“Applications for assistance are reviewed by Division of Water and KIA staff then presented to an eight-member Board for approval. Of the eight members, five are ex-officio and three are gubernatorial appointees. At the present time, KIA Board members include two women and one African American male.”

Describe the race and national origin of the agency’s staff.

The Finance and Administration Cabinet employed 1,369 individuals at the end of the reporting period. Minority employees represented 5.77 percent of the total. A breakdown follows:

African American	64
Other	10
American Indian	2
Asian American	2
Hispanic	1

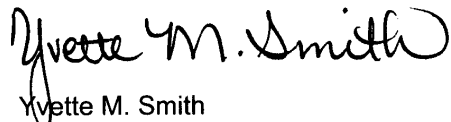
Annual self-surveys are enclosed for the Federally Assisted Wastewater Revolving Loan Program, the Federal Surplus Property Program, the Empowerment Zone Program, and the Veterans Home Program. The self-survey submitted for the Veterans Home Program identified one complaint filed during the reporting period. A copy of the disposition of the complaint is attached to the self-survey. The complaint, which alleged a violation of the Americans with Disabilities Act (ADA), was filed with the Equal

Mr. Anthony Leachman
July 1, 1999
Page Seven

Employment Opportunity Commission (EEOC). On April 21, 1999, EEOC dismissed the complaint after determining that the allegation did not involve a disability that was covered by the ADA.

If you need additional information, please advise.

Sincerely,

A handwritten signature in black ink that reads "Yvette M. Smith". The signature is fluid and cursive, with the first name "Yvette" being more prominent than the last name "Smith".

Yvette M. Smith
Executive Director

cc Secretary John P. McCarty (w/enc.)
Don Mullis (w/o enc.)
Don Speer (w/o enc.)
Ed Ross (w/o enc.)
Larry Arnett (w/o enc.)
Mike Abell (w/o enc.)
Dawn Smith (w/o enc.)

Enclosures (4)

Finance and Administration Cabinet
Office of Equal Employment Opportunity and Contract Compliance
Room 370, Capitol Annex
Frankfort, Kentucky 40601
Ph: (502) 564-2874
Fax: (502) 564-1055

Title VI Self-Survey

Survey Date: June 16, 1999

Kentucky Infrastructure Authority
Organization/Program: Office of Financial Management & Economic Analysis

Summary of Complaints:

Number of complaints for the past year: None

Number of complaints voluntarily resolved: NA

Number of complaints currently unresolved: NA

Attach a summary of any complaint and provide:

Name of complainant

Race

Charge

Findings

Corrective Action

Identify any policy/procedure changes required as a result of the complaint

Provide the date history (date complaint received through resolution)

Distribution of Title VI Information:

Are new employees made aware of Title VI responsibilities pertaining to their specific duties? Yes X N o

Do new employees receive this information via employee orientation?

Yes X N o

Is Title VI information provided to all employees and program applicants?

Yes X N o

Title VI Self-Survey
Page 2

Is Title VI information prominently displayed in the organization and on any program materials distributed? Yes X No

EEO poster in KIA reception area
EEO wording on KIA/OFMEA letterhead
EEO language in funding application
EEO language in new employee es manual

Identify any improvements you plan to implement before the next self -survey to

better support Title VI communication to employees and program applicants.

No changes at this time. KIA/OFMEA will continue to support and comply with

the Title VI of the Civil Rights Act of 1964.

Identify any problems encountered with Title VI compliance.

None

Signature

Grah Fagles

Title

Executive Director

Date

6-16-99

Title VI Self-Survey

Organization/Program: Thompson-Hood Veterans Center, Office of Management and Budget

Number of complaints currently unresolved: _____

- Name of complainant
Race
Charge
Findings
Corrective Action
Identify any policy/procedure changes required as a result of the complaint
Provide the date history (date complaint received through resolution)

Is Title VI information provided to all employees and program applicants?

Yes X No

Title VI Self-Survey
Page 2

Is Title VI information prominently displayed in the organization and on any program materials distributed? Yes X No

Identify any improvements you plan to implement before the next self -survey to better support Title VI communication to employees and program applicants.

Identify any problems encountered with Title VI compliance.

N/A

Signature Dawn M Smith
Title Administrative Services Director
Date June 14, 1999

Finance and Administration Cabinet
Office of Equal Employment Opportunity and Contract Compliance
Room 370, Capitol Annex
Frankfort, Kentucky 40601
Ph: (502) 564-2874
Fax: (502) 564-1055

Title VI Self-Survey

Survey Date: June 25, 1999

Organization/Program: Division of Surplus Property, Dept for Administration

Summary of Complaints:

Number of complaints for the past year: 0

Number of complaints voluntarily resolved: NA

Number of complaints currently unresolved: 0

Attach a summary of any complaint and provide: None

Name of complainant

Race

Charge

Findings

Corrective Action

Identify any policy/procedure changes required as a result of the complaint

Provide the date history (date complaint received through resolution)

Distribution of Title VI Information:

Are new employees made aware of Title VI responsibilities pertaining to their specific duties? Yes X N o

Do new employees receive this information via employee orientation?

Yes X N o

Is Title VI information provided to all employees and program applicants?

Yes X N o

Title VI Self-Survey
Page 2

Is Title VI information prominently displayed in the organization and on any program materials distributed? Yes X No

Identify any improvements you plan to implement before the next self -survey to better support Title VI communication to employees and program applicants.

Federal program rules strictly limit who can benefit from the surplus property program,
governments, schools, and some non-profits. We are attempting to identify more potentially
eligible non-profits, esp those serving lower income and minority neighborhoods.

Identify any problems encountered with Title VI compliance.

None to date.

Signature

Mike Olson

Title

DIRECTOR

Date

6. 25. 99

Finance and Administration Cabinet
Office of Equal Employment Opportunity and Contract Compliance
Room 370, Capitol Annex
Frankfort, Kentucky 40601
Ph: (502) 564-2874
Fax: (502) 564-1055

Title VI Self-Survey

Survey Date: June 25, 1999

Organization/Program: Office of the Controller

Summary of Complaints:

Number of complaints for the past year: 0

Number of complaints voluntarily resolved: 0

Number of complaints currently unresolved: 0

Attach a summary of any complaint and provide: None

Name of complainant

Race

Charge

Findings

Corrective Action

Identify any policy/procedure changes required as a result of the complaint

Provide the date history (date complaint received through resolution)

Distribution of Title VI Information:

Are new employees made aware of Title VI responsibilities pertaining to their specific duties? Yes X N o

Do new employees receive this information via employee orientation?

Yes X N o

Is Title VI information provided to all employees and program applicants?

Yes X N o

Title VI Self-Survey
Page 2

Is Title VI information prominently displayed in the organization and on any program materials distributed? Yes X No

Identify any improvements you plan to implement before the next self -survey to better support Title VI communication to employees and program applicants.

NA

Identify any problems encountered with Title VI compliance.

None

Signature



Title

controller

Date

6-25-99

FINANCE AND ADMINISTRATION CABINET
KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY



Finance and Administration Cabinet

Kentucky Higher Education Assistance Authority

1050 U.S. 127 South
Frankfort, Kentucky 40601-4323
Phone: (502) 696-7292
Fax: (502) 696-7496
www.kheaa.com

Paul E. Patton
Governor

John P. McCarty
Secretary

Paul P. Borden
Executive Director

Richard F. Casey
General Counsel

June 28, 1999

Auditor of Public Accounts
Suite 144, Capitol Annex
Frankfort, KY 40601

RE: Kentucky Higher Education Assistance Authority
Title VI Annual Update

Dear Auditor:

Enclosed please find a copy of the Kentucky Higher Education Assistance Authority (KHEAA) Title VI Annual Update to the KHEAA Title VI Implementation Plan. Please note that KHEAA has retained a copy of said update.

Thank you for your attention to this matter. Should you have questions or concerns, please contact me at (502) 696-7309.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa F. Justice".

Melissa F. Justice
Title VI Coordinator

Enc.

mfj/edb

KHEAA Promotes Equal Opportunity M/F/D

Title VI Annual Update
Kentucky Higher Education Assistance Authority
July 1, 1998-June 30, 1999

The following is an update of the implementation plan for Title VI of the Federal Civil Rights Act which was submitted by the Kentucky Higher Education Assistance Authority in December 1994 and updated most recently in July 1998. The update follows the outline prescribed by the State Auditor's Office at a November 1994 workshop.

i. Table of Contents

No changes.

ii. Overview

No changes from the July 1998 update.

I. Purpose and/or Mission Statement

No changes.

II. Scope (Legal Authority)

No changes.

III. Responsible Official

No changes.

IV. Statement of Assurances

No changes from the July 1998 update.

V. Effective Date.

No changes.

VI. Identify Programs or Activities Subject to the Title VI

No changes from the July 1998 update.

VII. Complaint Procedures/System

No changes.

VIII. Compliance/Noncompliance

No changes.

IX. Training

No changes from the July 1998 update.

X. Goals and Evaluation Procedures

No changes from the July 1998 update.

XI. Public Notification/Outreach

No changes.

XII. Record Keeping

No changes.

XIII. Minority Representation on Planning Board and/or Advisory Body

Effective June 30, 1999, KHEAA's Board of Directors is comprised of one (1) African American member and six (6) Caucasian members.

As of June 30, 1999, KHEAA's full-time permanent staff is composed of five (5) African Americans, one (1) American Indian or Alaskan Native, one (1) Other, and one hundred eighty-three (183) Caucasians.

Effective June 30, 1999, KHEAA's Interim Staff consists of seventeen (17) African Americans and three (3) Caucasians.

XIV. Glossary/Definition of Common Terms

No changes.

FINANCE AND ADMINISTRATION CABINET
KENTUCKY HIGHER EDUCATION STUDENT LOAN CORPORATION

Paul P. Borden
Chief Executive Officer

Roger B. Tharp
President, Chief Operating Officer

Betty P. Barker
Executive Vice President, Chief Financial Officer



10180 Linn Station Road
Suite C200
Post Office Box 24266
Louisville, Kentucky
40224-0266

(502) 329-7079
fax (502) 329-7080

June 14, 1999

Kentucky Commission on Human Rights
Ms. Beverly L. Watts
The Heyburn Building
Seventh Floor
332 West Broadway
Louisville, KY 40202

Dear Ms. Watts,

KRS 344.015 requires the development of a Title VI Implementation Plan and for submission of annual compliance reports and any updates to the Plan to this office and the Office of Auditor of Public Accounts by July 1 of each year. Enclosed is Kentucky Higher Education Student Loan Corporation's Title VI Plan update.

Please provide written acknowledgement of your receipt of this Plan.
Sincerely

A handwritten signature in cursive script that reads "Sylvia V Butler".

Sylvia V Butler
Vice President, Human Resources

Enclosure

Cc: The Office of Auditor of Public Accounts

Equal Opportunity Employer M/F/D

Title VI Annual Update
Kentucky Higher Education Student Loan Corporation
July 1, 1999-June 30, 2000

The following is an update of the implementation plan for Title VI of the Federal Civil Rights Act which was submitted by the Kentucky Higher Education Student Loan Corporation in June 1998. The update follows the outline prescribed by the State Auditor's Office.

- i. Table of Contents
No changes
- ii. Overview
No changes
- I. Purpose and/or Mission Statement
No changes
- II. Scope (Legal Authority)
No changes
- III. Responsible Official
No changes
- IV. Statement of Assurances
No changes
- V. Effective Date
No changes
- VI. Identify Programs or Activities Subject to the Title VI
No changes
- VII. Complaint Procedures/System
No changes

VIII. Compliance/Noncompliance

No changes

IX. Training

No changes

X. Goals and Evaluation Procedures

No changes

XI. Public Notification/Outreach

No changes

XII. Record Keeping

No changes

XIII. Minority Representation on Planning Board and/or Advisory Body

Currently, there is 1 African American serving on the Corporation's Board of Directors and 3 females.

The staff at the Kentucky Higher Education Student Loan Corporation as of June 1, 1999 is 117, including 17 minorities, 91 females, and 26 males.

XIV. Appendices 1-6

No changes

Paul P. Borden
Chief Executive Officer

Roger B. Tharp
President, Chief Operating Officer

Betty P. Barker
Executive Vice President, Chief Financial Officer



10180 Linn Station Road
Suite C200
Post Office Box 24266
Louisville, Kentucky
40224-0266

(502) 329-7079
fax (502) 329-7080

July 19, 1999

Valerie Young
Office of Auditor of Public Accounts
2501 Georgetown Road
Suite 2
Frankfort, KY 40601

Dear Ms. Young,

I appreciated your assistance in reviewing with me the identified non-compliant sections of the Kentucky Higher Education Student Loan Corporation's Title VI Plan as determined by the Office of the Auditor of Public Accounts. Attached are revisions to the Corporation's Title VI Plan base on our phone conversation.

Please provide written acknowledgement of your receipt of these revisions.

Sincerely

A handwritten signature in cursive script, appearing to read "Sylvia V Butler".

Sylvia V Butler
Vice President, Human Resources

Attachment

Equal Opportunity Employer M/F/D

Title VI Annual Update
Kentucky Higher Education Student Loan Corporation
July 1, 1999 - June 30, 2000

The following is an update of the implementation plan for Title VI of the Federal Civil Rights Act, which was submitted by the Kentucky Higher Education Student Loan Corporation in June 1999. The update reflects changes based on comments by the Office of Auditor of Public Accounts.

i Table of Contents

No Changes

ii Overview

No Changes

I. Purpose and/or Mission Statement

No Changes

II. Scope of Applicability
(Add)

The Kentucky Higher Education Student Loan Corporation will not, on the grounds of race, color, or national origin, directly or through contractual or other arrangements:

- Deny any individual or group any service, loan program benefit, or other program benefit provided by the Corporation;
- Provide any service, loan program benefit, or other program benefit to an individual or group in a different manner from that provided to others under the program;
- Subject an individual or group to segregation or separate service, loan program benefit, or other benefit under any program;
- Restrict an individual or group in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, loan program benefit, or other benefit under any program;
- Treat an individual or group differently from others in determining whether he satisfies any eligibility, or other requirement or condition individuals must meet in order to be provided any service, loan program benefit, or other benefit; or
- Adopt methods of administration, which would limit participation by any individual or group of recipient, in any programs.

III. Responsible Official

No Changes

IV. Statement of Assurances

No Changes

V. Effective Date

No Changes

Title VI Annual Update
Kentucky Higher Education Student Loan Corporation
July 1, 1999 - June 30, 2000

Page 2

VI. Identify Programs or Activities Subject to the Title VI

The Kentucky Higher Education Student Loan Corporation was created and operates under KRS 164A.010 to 240. The Corporation's connection with federal programs is statutory and the Corporation does not have an agreement under any federal grant program. The Corporation makes, purchases, holds, services, and collects loans to eligible borrowers under the Federal Family Education Loan Program (Federal CFDA Number 84.032) pursuant to the Higher Education Act of 1965, as amended, and federal regulations thereunder. The Corporation is reimbursed for defaulted student loans by the guarantor, the Kentucky Higher Education Assistance Authority (KHEAA); and, federal interest benefits and special allowance payments on certain eligible student loans from the U.S. Department of Education. These receipts are pledged under the Corporation's bond resolutions to repayment of bonds and are utilized for debt service and other allowable expenditures under the bond resolutions.

VII. Complaint Procedure

No Changes

VIII. Compliance/Non Compliance

No Changes

IX. Training

No Changes

X. Goals and Evaluation Procedure

(Add)

The Corporation's Compliance Officer will prepare and submit an annual report to the Corporation's Chief Operating Officer based on data gathered from the Title VI Checklist and Self-Survey. The report will identify existing needs and/or deficiencies with regard to Title VI compliance, make recommendations for continued compliance, and specify any needed corrective procedures.

XI. Public Notification/Outreach

No Changes

XII. Record Keeping

(Add)

The Title VI Coordinator shall keep records of all complaints and their resolution for a minimum of one year and a maximum of five years. The Title VI Coordinator shall submit an annual Title VI compliance report to the Corporation's Chief Operating Officer and the Office of Auditor of Public Accounts, including any updates or changes to this plan. The report shall discuss specific complaints, resolutions, the activities of the Title VI Coordinator during the past year, and summarize Title VI compliance and enforcement data.

**Title VI Annual Update
Kentucky Higher Education Student Loan Corporation
July 1, 1999 - June 30, 2000**

Page 3

XIII. Minority Representation

(Add)

The staff at the Kentucky Higher Education Student Loan Corporation as of June 1, 1999 is 117, including 17 minorities, 91 females and 26 males.

Minority employee breakdown by EEO categories

Black = 16

American Indian or Alaskan Native = 1

XIV. Appendices 1 - 6

No Changes

FINANCE AND ADMINISTRATION CABINET
KENTUCKY HOUSING CORPORATION



KENTUCKY HOUSING CORPORATION

June 28, 1999

Mr. James A. Rose
Auditor of Public Accounts -- Audit Division
2439 U.S. 127 S
Frankfort, KY 40601

SUBJECT: Title VI Compliance Updates

Dear Mr. Rickert:

In accordance with Chapter 344.015(2)(c) of the Kentucky Revised Statutes, Kentucky Housing Corporation (KHC) submits annual Title VI compliance reports and any implementation plan updates to the Auditor of Public Accounts and the Kentucky Commission on Human Rights.

Enclosed is KHC's Assessment Sheet, Civil Rights Title VI Self-Survey and an updated Title VI Compliance and Implementation Plan. KHC has and will continue to take a proactive approach to fully implement procedures to eliminate discrimination on the basis of race, color or national origin.

If you have any questions or require additional information, please call me at (502) 564-7630, extension 382, or (800)247-2510 (TDD, hearing-impaired only).

Sincerely,


Jill King
Compliance Officer

jk

Enclosures

cc: Kentucky Commission on Human Rights

TITLE VI COMPLIANCE STATUS

KHC ASSESSMENT SHEET

Name of Agency/Facility: Kentucky Housing Corporation

		Yes	No
1.	Services from this facility are provided to clients without regard to race, color or national origin.	X	
2.	An employee has been appointed to serve as Title VI local coordinator for this agency/facility.	X	
3.	A written procedure exists for hearing and reviewing Title VI complaints.	X	
4.	Records are maintained regarding all alleged cases of discrimination.	X	
5.	Title VI posters are prominently displayed and are used to emphasize the Title VI program and complaint opportunities.	X	
6.	All clients are specifically informed about their individual rights under Title VI.	X	
7.	New employees are clearly informed about their responsibilities to clients under Title VI.	X	
8.	Contracts between this agency and another party include the formal Title VI "State of Compliance" clause.	X	
9.	Other parties which contract with this agency (e.g., vendors, subcontractors) are clearly informed by this agency about their responsibilities to clients under Title VI standards.	X	

**Kentucky Housing Corporation
CIVIL RIGHTS TITLE VI SELF-SURVEY**

1. **Date of Survey:**_____

2. **Type of Survey:** ☐ Initial ☒ Update ☐ Other:_____

3. **Check program area:**

- ☒ HOME Investment Partnership
- ☒ Emergency Shelter Grant (ESG)
- ☒ Shelter Plus Care
- ☒ Supportive Housing
- ☒ Section 8 Housing Assistance
- ☒ Section 8 New Construction
- ☒ Family Self-Sufficiency (FSS)
- ☒ HOPE for Elderly Independence
- ☒ Appalachian Regional Commission (ARC)
- ☒ Housing Opportunities for Persons with AIDS (HOPWA)

4. **Name of Facility/Agency:** Kentucky Housing Corporation

 Street Address: 1231 Louisville Road

 City, State, Zip: Frankfort, KY 40601

 County: Franklin

5. **Administrative Head:** F. Lynn Luallen

 Title: Chief Executive Officer

6. **Local Title VI Coordinator:** Fair Housing Specialist

 Street Address: 1231 Louisville Road

 City, State, Zip: Frankfort, KY 40601

 Phone Number: (502) 564-7630

7. **Advisory Group or Advisory Board:**

a. What is the racial composition of the advisory group or advisory board?

 Total: 14 Number of white: 12 Number of nonwhite: 2

b. How are members selected?

Appointed by the Governor

c. What is the length of the term members serve on the advisory group or board?

Four years

8. **Nondiscrimination Policies:** Does your Agency have a written policy stating that services will be provided to all persons without regard to race, color or national origin?
- ☒ Yes ☐ No

If yes, attach a copy (**FOR INITIAL SURVEY ONLY**).

9. **Posters:** Are posters containing Title VI information prominently displayed within the facility?
- ☒ Yes ☐ No
- a. Do these posters show the name of the Local Coordinator to whom complaints should be referred?
- ☒ Yes ☐ No

10. **Records:** Are permanent records kept of all Title VI complaints?
- ☒ Yes ☐ No

11. **Complaints:** If applicable, describe below any complaints received in this reporting period:

Name of Complainant	Race	Charge	Findings
None			

12. **Dissemination:** Is Title VI disseminated to your employees and your clients/applicants?
- ☒ Yes ☐ No

If yes, describe how employees are informed: full staff meetings

- a. Are you confident that applicants and clients are clearly aware of their rights under Title VI, including the right to file a complaint?
- ☒ Yes ☐ No
- b. Are new employees clearly informed about their specific responsibilities to clients under Title VI?
- ☒ Yes ☐ No

c. Are staff members periodically reoriented or refreshed on information detailing their Title VI responsibilities?

☒ Yes ☐ No

If yes, state by whom and how: F. Lynn Luallen and Shelly Prochaska reorient management semiannually at staff meetings. Management periodically reorients employees at staff meetings.

13. **Compliance Assurance:** Do all contracts that provide direct services to clients contain a Title VI statement of compliance?

☒ Yes ☐ No

If yes, attach a copy of the Title VI statement included in such contract (**FOR INITIAL SURVEY ONLY**).

14. Are you confident that each of your subcontractors or vendors, if any, are clearly aware of your agency's commitment to Title VI?

☒ Yes ☐ No

If yes, attach a copy of information used to ensure subcontractors or vendors are aware of your agency's commitment to Title VI (**FOR INITIAL SURVEY ONLY**).

15. Are all physical areas (i.e., exits, waiting rooms, dining areas, restrooms, etc.) provided and used without regard to the race, color or national origin of clients?

☒ Yes ☐ No

If no, identify the areas that are not used jointly and explain why: _____

Title VI Compliance and Implementation Plan Updates

Kentucky Housing Corporation
F. Lynn Luallen
Chief Executive Officer

June 15, 1999

Prepared for Auditor of Public Accounts
By Jill King
1231 Louisville Road
Frankfort, Kentucky 40601

i. Table of Contents

Purpose	1
Scope	1
Responsible Official	1
Statement of Assurances	2
Effective Date	2
HOME Program	2
Emergency Shelter Grant Program	3
Shelter Plus Care Program	3
Supportive Housing Program	3
Section 8 Housing Assistance Payments Program	4
Section 8 New Construction and Substantial Rehabilitation Program	4
Family Self-Sufficiency Program	4
HOPE Program	4
Appalachian Regional Commission Program	5
Housing Opportunities for Persons with AIDS	5
Compliant Procedures	5
Compliance/Noncompliance	6
Training	7
Goals and Evaluation Procedures	8
Public Notification/Outreach	8
Record keeping	8
Minority Representation	9

Appendices:

Appeal From Finding Form
Complaint Under Civil Rights Act of 1964
Report of Investigation
Withdrawal of Complaint or Appeal for Fair Housing
Title VI Review Checklist
Civil Rights Title VI Self-Survey
Statement of Assurance
KHC Assessment Sheet

iv. Glossary of Common Terms

Kentucky Housing Corporation: Kentucky Housing Corporation (KHC), the state housing finance agency, was created by the 1972 General Assembly to provide housing opportunities for low- and moderate-income Kentuckians. KHC is a self-supporting, public corporation. Through the sale of tax-exempt Mortgage Revenue Bonds and receipt of fees for administering federal rental assistance, KHC offers lower than market rate home mortgages, multifamily housing production financing, homeownership education and a variety of rental assistance and housing rehabilitation and repair programs.

Pass-through: Federal funding that is awarded, granted, loaned or otherwise obtained through KHC.

Execute: To put into effect, approved by authorized body (e.g., Board of Directors).

HUD: U.S. Department of Housing and Urban Development.

Subrecipient: Any public or private entity to whom federal financial assistance is tendered through KHC, for any program.

Kentucky Commission on Human Rights: The state of Kentucky enforcement branch for discrimination complaints. The address is: Kentucky Commission on Human Rights, The Heyburn Building, Suite 700, 332 West Broadway, Louisville, Kentucky 40202; (800) 292-5566 or (502) 595-4084 (TDD).

Self-survey: Documentation to assist KHC in identifying potential violations and recognizing areas of needed technical support to ensure compliance with Title VI of the Civil Rights Act of 1964

at risk: Subrecipients' unresponsive actions to recommendations for minor violations or obvious civil rights violations identified by KHC for compliance with Title VI of the Civil Rights Act of 1964.

Minor violation: KHC's identified subrecipients who require additional action to obtain full compliance with Title VI of the Civil Rights Act of 1964.

Full compliance: Subrecipients who have executed and delivered all documentation as requested by KHC ensuring that compliance with Title VI of the Civil Rights Act of 1964 has been and will be maintained.

iv. Overview

Title VI of the Civil Rights Act of 1964, the predecessor of Title VIII of the Civil Rights Act of 1968, prohibits discrimination on the basis of race, color or national origin under any program or activity receiving federal financial assistance. Historically, Title VI provided the basis for nondiscrimination in tenant and site selection in federal housing and community development programs. The enactment of Title VI led to the promulgation of regulations by the U.S. Department of Housing and Urban Development regarding discriminatory site selection and tenant assignment in public housing.

[Remainder of page intentionally left blank]

iv. Policy Statement

Kentucky Housing Corporation has and will continue to take a proactive approach to fully implement procedures to eliminate discrimination on the basis of race, color or national origin.

Kentucky Housing Corporation was created to provide safe, decent, affordable housing opportunities for very low-, low- and moderate-income Kentuckians. Recognizing that housing is a basic human need, KHC is committed to pursue all partnerships and resources necessary to promote, develop and provide affordable housing, thereby improving the quality of life for all Kentuckians.

[Remainder of page intentionally left blank]

I. PURPOSE

The purpose of Title VI of the Civil Rights Act of 1964 is to prohibit programs that receive federal funds from discriminating against participants or clients on the basis of race, color or national origin. The intent of the law is to ensure that all persons, regardless of their race, color or national origin, are allowed to participate in these federally funded programs. To ensure that Kentucky Housing Corporation (KHC) meets its compliance responsibility, the following procedures have been established to provide monitoring of Title VI compliance activities and complaint processing in all programs. All organizations that receive pass-through federal funding from KHC must comply with this implementation plan or develop a plan which must be submitted to KHC for approval. Each organization will execute and deliver such documents or follow guidelines as requested by KHC, to assure compliance with the plan.

II. SCOPE

Because KHC receives federal housing funds, the Corporation must adhere to Title VI of the Civil Rights Act of 1964 and the Kentucky Civil Rights Act. KRS 344.015 required each state agency to develop a Title VI Implementation Plan by January 1, 1995. The implementation plan has been submitted to the Auditor of Public Accounts and the Kentucky Human Rights Commission and updated annually.

III. RESPONSIBLE OFFICIAL

The fair housing specialist is responsible for the Title VI program at KHC. The specialist is a full-time position funded through the KHC Operating Budget. This position presently reports to the General Counsel. The specialist is responsible for overseeing all Title VI regulation, monitoring and enforcement of this plan. The fair housing specialist is the contact for all compliance efforts. Title VI compliance efforts include, but are not limited to:

- Developing and disseminating policies which KHC will adhere to in order to comply with Title VI of the Civil Rights Act of 1964;
- Disseminating the policies to all KHC staff, applicants for services, beneficiaries of services and the public (via printed media, television, radio and mass mailing);
- Developing and implementing a system for periodic evaluation of all aspects of the program to ensure that the program is being conducted without discrimination on the basis of race, color or national origin;
- Processing complaints of discrimination;

- Training KHC staff on the requirements of Title VI to provide services without discrimination; and
- Revising the Title VI Compliance and Implementation Plan annually.

IV. STATEMENT OF ASSURANCES

KHC and its subrecipients and all parties involved shall comply with Title VI. If a subrecipient agrees in writing to adopt the KHC Title VI Compliance and Implementation Plan, the subrecipient is in compliance with this section. If the subrecipient's Title VI Implementation Plan differs from KHC's plan, the subrecipient's plan must be approved. All organizations that receive federal funding must submit Title VI Assurances and Implementation Plans to KHC prior to obtaining a release of funds approval from KHC. All subrecipient Title VI Implementation Plans will remain on file at KHC for as long as they are receiving federal funding through KHC.

V. EFFECTIVE DATE

According to KRS 344.015, the Title VI Implementation Plan has been in effect and enforced since January 1, 1995.

VI. IDENTIFIED PROGRAMS SUBJECT TO TITLE VI

HOME Investment Partnerships Program

The HOME Investment Partnership Act is authorized under Title II of the Cranston-Gonzalez National Affordable Housing Act (NAHA), Public Law 101-625. HOME is a formula-based allocation program intended to support a wide variety of local affordable housing programs. Funds may be utilized for acquisition, new construction, reconstruction and moderate and substantial rehabilitation activities that promote affordable rental and ownership activities. HOME funds can also be used for tenant-based rental assistance. Eligible applicants include units of local government, public agencies, foundations, nonprofits, community housing development organizations and private developers. Applications for funding are taken annually by the KHC Community Planning and Development Department. Potential beneficiaries include very low- and low-income individuals.

Emergency Shelter Grant (ESG) Program

The ESG Program is authorized under Title IV of the Stewart B. McKinley Homeless Assistance Act. Under the ESG Program, KHC may make grants to units of local governments and nonprofits for the rehabilitation or conversion of buildings for use as emergency shelters for the homeless and for certain operating and social service expenses of the shelter. Applications for funding are taken annually by the Community Planning and Development Department.

Potential beneficiaries include those individuals who meet the HUD definition of homeless as follows: an individual who lacks a fixed, regular and adequate nighttime residence and who has a primary nighttime residence that is a supervised publicly- or privately-operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters and transitional housing for the mentally ill); an institution that provides a temporary residence for individuals intended to be institutionalized; or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Shelter Plus Care Program

The Shelter Plus Care Program provides rental housing assistance in connection with supportive services, which are funded from other sources, to homeless persons with disabilities, including their families. These disabilities primarily include serious mental illness, chronic drug or alcohol abuse, AIDS and related diseases. KHC is currently administering 34 tenant-based rental assistance units through the KHC Rental Assistance Programs Department in cooperation with the Kentucky River Area Development District in the following counties: Breathitt, Knott, Lee, Leslie, Letcher, Owsley, Perry and Wolfe. Potential program beneficiaries include very low-income homeless persons with disabilities.

Supportive Housing Program

The Supportive Housing Program began as a demonstration program consisting of three parts: Transitional Housing, Permanent Housing for Homeless Handicapped and Supplemental Assistance for Facilities to Assist the Homeless (SAFAH). The Housing and Community Development Act of 1992 consolidated these three parts into the Supportive Housing Program. The purpose of the program is to promote the development of housing with supportive services, including innovative approaches to assist the transition from homelessness in order to help homeless persons live independently. KHC is currently administering the SAFAH and Permanent Housing for Homeless Handicapped programs through the Community Planning and Development Department. Potential program beneficiaries include homeless persons with disabilities seeking permanent housing.

Section 8 Housing Assistance Payments Program (Certificates and Vouchers)

The Section 8 Housing Assistance Payments Program provides a rent subsidy to ensure that eligible tenants pay no more than 30 percent of their monthly adjusted gross income for decent, safe and sanitary housing. To administer this program, KHC enters into contractual relationships with HUD, private owners and eligible beneficiaries. KHC provides housing assistance payments to the owner of the unit under lease by the eligible beneficiary. KHC maintains an open waiting list for rental assistance in counties where KHC has jurisdiction. The Section 8 Certificate and Voucher Programs are administered by the Rental Assistance Programs Department. Potential program beneficiaries include very low-income singles, families, the elderly and persons with disabilities.

Section 8 New Construction and Substantial Rehabilitation Program

KHC serves as contract administrator on behalf of HUD for the Section 8 New Construction and Substantial Rehabilitation Program. Rental assistance funds flow from HUD through KHC to owners to help families pay for rent and utilities. Eligible tenants pay no more than 30 percent of their monthly adjusted gross income for the Section 8 units. The current program consists of 197 apartment complexes. Individual apartment complexes maintain independent waiting lists. Potential program beneficiaries include very low-income singles, families, elderly and persons with disabilities.

Section 8 Family Self-Sufficiency (FSS) Program

The purpose of the FSS Program is to promote the development of local strategies to coordinate the use of Section 8 Certificate and Voucher Programs with public and private resources and to enable families eligible to receive rental assistance under these programs to achieve economic independence and self-sufficiency. The objective of the FSS Program is to reduce the dependency of low-income families on welfare assistance and on Section 8. Under the FSS Program, low-income families are provided opportunities for education, job training, counseling and other forms of social service assistance, while living in assisted housing, so that they may obtain the education, employment, and business and social skills necessary to achieve self-sufficiency. The Rental Assistance Programs Department administers the FSS Program. Program beneficiaries include very low-income singles, families, elderly and persons with disabilities.

HOPE for Elderly Independence Program

The HOPE for Elderly Independence Program is authorized by Section 803 of the Cranston-Gonzalez National Affordable Housing Act. It is a five-year demonstration program to test the effectiveness of combining Section 8 tenant-based rental assistance (certificates and vouchers) with supportive services to allow eligible frail elderly individuals to avoid premature institutionalization. Under the program, KHC must develop an individual supportive services plan for eligible elderly persons living in a specific geographic area. Potential beneficiaries include frail elderly individuals whose incomes are not higher than 50 percent of the area median income; who are currently living in a unit not receiving any federal, state or local subsidies; and who are generally living alone with a minimal support network (e.g., no family or close friends living within a one-hour drive). “Frail elderly” is a term used to describe an individual who is at least 62 years old and is deficient in at least three Activities of Daily Living (ADL). Under HUD guidelines, the ADL include five areas in which the individual may need assistance: food preparation, bathing, grooming, dressing and home management. In each of these areas, the individual must be able to perform most tasks independently but may require some assistance. For example, the individual must be capable of eating independently, but may need assistance in food preparation, cooking or serving. The individual must be mobile, but this does not exclude the use of a wheelchair or other mobility devices. The Rental Assistance Programs Department

administers 80 HOPE vouchers in cooperation with the Purchase, Lincoln Trail, Big Sandy and Northern Kentucky Area Development Districts. These vouchers are limited to the counties represented by these area development districts.

Appalachian Regional Commission (ARC) Program

The Appalachian Regional Commission is comprised of 13 Appalachian states. Governors of each state make up the Appalachian Board which sets priorities and reviews appropriations for states. ARC funds can be used for transportation, water and sewer, health, education and housing initiatives. KHC administers the housing portion of activity in Kentucky under the Kentucky Appalachian Housing Program. Housing funds may be used for site improvements only and cannot exceed 10 percent of the total project cost or appraised value of the property after rehabilitation. Funds are available to units of local government, nonprofit agencies, public agencies or limited partnerships.

Housing Opportunities for Persons With AIDS (HOPWA)

The HOPWA Program was authorized by the AIDS Housing Opportunity Act (AHOA) and amended by the Housing and Community Development Act of 1992. The program is designed to provide states and localities with resources and incentives for devising long-term comprehensive strategies for meeting the housing needs of persons with acquired immunodeficiency syndrome or related diseases and their families. Eligible HOPWA activities include emergency housing assistance; shared housing assistance; rental assistance; housing information services; acquisition, rehabilitation, conversion, lease and repair of housing facilities; and support services and administration costs up to 7 percent. Eligible recipients are low-income persons (80 percent or below of area median income) who are diagnosed with HIV/AIDS and their family members.

VII. COMPLAINT PROCEDURES/SYSTEM

All of the above-mentioned programs have individual grievance procedures for program complaints that allow program beneficiaries an opportunity for an informal review. If a program beneficiary exhausts the subrecipient's grievance procedure and receives an adverse determination of his or her complaint, the program beneficiary may directly submit an appeal to KHC. This appeal must be postmarked within ten working days of the final decision by the subrecipient in order to be valid. The appeal must be submitted to the fair housing specialist, Kentucky Housing Corporation, 1231 Louisville Road, Frankfort, Kentucky 40601. If a program beneficiary needs assistance in filing a written complaint or must make an oral complaint, he or she may contact the fair housing specialist at (502) 564-7630 or (800) 247-2510 (hearing-impaired only). To comply with the Americans with Disabilities Act, contact KHC for assistance if special accommodations are necessary. KHC will utilize a standard complaint form (attached). Once the complaint is received, KHC must acknowledge the complaint within 15 working days. The fair housing specialist will process the complaint within 30 working days of receiving it.

The program beneficiary may withdraw the complaint, in writing, at any time during the process. The complaint will be reviewed, and a report of the finding(s) will be forwarded to the subrecipient, chief program officer and the KHC department responsible for administering the program. The complaint and all relevant documentation will be forwarded to the Kentucky Commission on Human Rights, the enforcement branch for discrimination complaints in the state of Kentucky, or other recognized enforcement authorities. The fair housing specialist shall follow up on enforcement proceedings and report to the chief program officer when appropriate.

VIII. COMPLIANCE/NONCOMPLIANCE

KHC is subject to Title VI review by the HUD Fair Housing and Equal Opportunity Division. To ensure compliance **within** the Corporation, KHC has completed the process of a self-evaluation of program policies and procedures. The chief program officer, with the chief executive officer's approval, may make policy recommendations to remedy any deficiencies.

KHC must ensure that all subrecipients who receive pass-through federal funding or the agents administering federal programs adhere to Title VI requirements. KHC will enforce and monitor Title VI compliance for all subrecipients and agents. The fair housing specialist will notify all subrecipients and agents of the Title VI Implementation requirements. Each agency will be required to complete a self-survey (form attached) of its current operating procedures. The fair housing specialist will review (form attached) and assess each agency to determine the level of compliance. The agencies will be grouped into three categories: "at risk," "minor violation" and "full compliance."

If the agency is "at risk" of obvious civil rights violations, the "at risk" group will receive priority attention for technical assistance to remedy potential violations. A site visit shall be scheduled with agency representatives to explain how the agency could improve its compliance standing. The agency will be given a specific time frame to make appropriate changes before receiving a full compliance review. If the agency fails to comply with Title VI requirements, the agency may lose federal funding.

The fair housing specialist will notify the "minor violation" group of recommendations to correct any deficiencies. In conjunction with site visits performed by the compliance personnel, recipients will be reviewed for compliance with their adherence to Title VI. The results of these reviews will be forwarded to the fair housing specialist for review and follow-up. The agency will be given a specific time frame to make appropriate changes to adhere to the requirements. Any agency that fails to remedy violations in a timely manner may lose federal funding.

Those agencies classified as "full compliance" will receive third priority for compliance reviews. A compliance review may be conducted in conjunction with site visits performed by compliance personnel to certify compliance for 5 to 10 percent of the agencies in this group.

A full compliance review includes, but is not limited to, the following:

- Whether all beneficiaries, regardless of race, color or national origin, are adequately informed of the availability of the recipient's service on an equal basis;
- Whether different admission standards are applied to certain applicants;
- Whether referrals are made to other recipients or vendors who discriminate;
- Whether referrals are made to employers on racial basis;
- Whether segregation has been completely eliminated;
- Whether the services supplied are furnished in a different way to some beneficiaries;
- Whether the recipient has implemented all procedures and activities prescribed in the subrecipient's Title VI Implementation Plan;
- Whether employment practices (e.g., recruitment, hiring, promotions, assignment and training) are made without discrimination; and
- Whether all contracts contain Title VI Assurances.

The fair housing specialist must provide all compliance documentation to the KHC department responsible for administering the federal program.

IX. TRAINING

It is KHC's policy to recruit, hire, train and promote persons in all job classifications without regard to race, color, religion, gender, national origin, disability or age. Staff development and training will include regular training sessions addressing discrimination. The human resources manager will develop techniques and methods for communicating policies to staff, subrecipients, vendors and present and potential beneficiaries. New KHC staff will receive Title VI information at their employee orientation. The human resources manager will first train KHC management on how to eliminate discrimination practices. Management should address Title VI at regular staff meetings. Staff will be provided with specific examples of prohibited discriminatory practices affecting housing delivery.

X. GOALS AND EVALUATION PROCEDURES

KHC is committed to fully implementing all requirements under Title VI. Goals for the 1998 calendar year include the following:

1. Continue the Multicultural Affairs Committee, which is representative of KHC staff. [Ongoing]
2. Utilize the position of compliance officer to handle the day-to-day administration and enforcement of Title VI. [Ongoing]
3. Actively recruit minorities and persons with disabilities for KHC employment. [Ongoing]
4. Require that all subrecipients and agents adopt a Title VI Compliance and Implementation Plan. [Ongoing]
5. Employ a fair housing specialist. [Ongoing]
6. Streamline minority data collection. [Ongoing]
7. Complete a corporate self-evaluation of policies and procedures relating to Title VI. [Ongoing]
8. Initiate the subrecipient compliance review process. [Ongoing]
9. Train KHC employees on the requirements of Title VI. [Ongoing]
10. Ensure all new subrecipients are in compliance with Title VI. [Ongoing]

XI. PUBLIC NOTIFICATION/OUTREACH

The public has been notified, by advertisements placed in two widely circulated newspapers, that KHC has adopted a Title VI Civil Rights Plan. The advertisements explained where citizens might obtain a copy of the plan.

XII. RECORD KEEPING

KHC will annually assess corporate performance under Title VI. At a minimum, KHC will complete the following:

- Identify potential beneficiaries and applicants;

- Analyze applicable census data;
- Analyze participation data;
- Assess compliance review evaluations; and
- Complete an annual report with findings and steps to correct any deficiencies.

XIII. MINORITY REPRESENTATION

A board appointed by the Governor governs KHC. The board is made up of 14 individuals. The current membership and makeup of the board is shown on the following page.

KHC has designated the employee development manager to assist in equal employment opportunity issues. The human resources manager monitors adherence to our affirmative action plan.

KENTUCKY HOUSING CORPORATION

Board of Directors

NAME	TITLE	RACE/SEX
Bob Arnold	Commissioner of Local Government	Caucasian/Male
Ben Chandler	Attorney General	Caucasian/Male
Frank R. Childress	Bank One, Kentucky	Caucasian/Male
Barbara Curry	Commissioner of Social Services	African American/Female
James Follace Fields	J. Follace Oil Co., Inc.	Caucasian/Male
James S. Goldberg	Reed Weitkamp Schell Cox and Vice	Caucasian/Male
Stephen L. Henry	Lieutenant Governor	Caucasian/Male
Tommy Johns	Countryside Builders, Inc.	Caucasian/Male
John P. McCarty	Secretary of Finance and Administration	Caucasian/Male
Phyllis Pack	Kentucky State District Council of Carpenters	Caucasian/Female
Porter G. Peeples, Sr.	The Urban League of Lexington/Fayette County	African American/Male
Susie Schaaf	Secretary of Revenue	Caucasian/Female
Marvin E. Strong, Jr.	Secretary of Economic Development	Caucasian/Male
Sam Lee	Mobil Financial Services	Caucasian/Male

**UTILIZATION ANALYSIS
PROJECTED GOALS
July 1, 1998 Through December 31, 1998**

CABINET/DEPARTMENT: Kentucky Housing Corporation

JOB CATEGORIES	TOTAL INCUM- BENTS	MINORITY INCUM- BENTS	% MINORITY	UNDER- UTILIZED	PROJECTED % GOAL	FEMALE INCUM- BENTS	% FEMALE	UNDER- UTILIZED	P
Officials and Administrators	25	1	4.00%	Yes	7.51%	15	60.00%	No	
Professionals	69	3	4.35%	Yes	7.51%	47	68.12%	No	
Technicians	48	3	6.25%	Yes	7.51%	39	81.25%	No	
Protective Service Workers					7.51%				
Para-Professionals	28	2	7.14%	Yes	7.51%	26	92.86%	No	
Office and Clerical	34	0	0.00%	Yes	7.51%	31	91.18%	No	
Craftsmen					7.51%				
Service/ Maintenance	13	2	15.38%	No	7.51%	2	15.38%	Yes	
TOTALS	217	11	5.07%			160	73.73%		

KENTUCKY HOUSING CORPORATION
COMPLAINT UNDER CIVIL RIGHTS ACT OF 1964

Date: _____

TO: Kentucky Housing Corporation

I, _____, hereby file an official complaint against

Name of Person or Agency

located at: _____

Complainant's Name: _____

Complainant's Address: _____

Basis of complaint (include witnesses or other evidence): _____

Date of alleged discrimination: _____

Complainant's Signature

Date Signed

Section below to be completed by Kentucky Housing Corporation

Referred to _____ on _____ for investigation and report.
Date

Use back of sheet if necessary

KENTUCKY HOUSING CORPORATION

APPEAL FROM FINDING

I, _____, wish to appeal the finding made on
Name of Appellant
_____ by _____ of :
Date of Finding Name of Investigator
___ Nondiscrimination **or** ___ the proposed remedial action by the agency
in the Title VI compliant as filed by _____ on
Complainant
_____ against _____ at
Date of Filing Person or Agency

Location

Signed: _____ Appellant
_____ Address
_____ Date of Appeal

KENTUCKY HOUSING CORPORATION

REPORT OF INVESTIGATION

I, _____, representing Kentucky Housing Corporation,
have investigated the complaint filed on _____ by _____
Date Name of Complainant

alleging that discrimination occurred which was in violation of the provisions of Title VI of the
Civil Rights Act of 1964.

The results of the investigation were as follows:

- ___ The agency or person was found to be in violation of Title VI.
- ___ The agency or person was not found to be in violation of Title VI.
- ___ The complainant withdrew the complaint.

A copy of the investigative report is attached.

Note: If the agency or person was found to be in violation of Title VI, briefly describe the
remedial action taken to assure future compliance.

Compliance Officer

Date

KENTUCKY HOUSING CORPORATION

WITHDRAWAL OF COMPLAINT OR APPEAL FOR FAIR HOUSING

Date: _____

TO: Kentucky Housing Corporation

I, _____, hereby withdraw my

Check appropriate term:

__ complaint or __ appeal (appeal from finding)

filed on _____ against _____
Date Name

located at _____.

Complainant's Name: _____

Complainant's Address: _____

Reason for Withdrawal: _____

Signed: _____

Title VI Review Checklist

Subrecipient Name: _____

The following items must be included:

☐ Yes ☐ No Self-Survey
 ☐ Yes ☐ No Was a local Title VI coordinator listed? (#5)

Attachments: Initial Participant Self-Survey Only:

☐ Yes ☐ No Nondiscrimination Policy (#8)
☐ Yes ☐ No Title VI Statement (contract language) (#13)
☐ Yes ☐ No Subcontractor Assurance of Commitment (#14)

(Circle One)

☐ Yes ☐ No Statement of Assurance or submitted approved Implementation Plan.

(Initial review)

☐ Minor violations ☐ At-Risk violations

☐ Yes ☐ No Notice Sent (date): _____
☐ Yes ☐ No Agency Response Received (date): _____
☐ Yes ☐ No Open Issues:
 Recommendation: _____

☐ Full Compliance (No further action)

Review performed by (signature)

Date performed

(Follow-up review, if applicable)

☐ Full Compliance ☐ At-Risk violations

☐ Yes ☐ No Additional Recommendation
 COMMENTS: _____

Review performed by (signature)

Date performed

Kentucky Housing Corporation
CIVIL RIGHTS TITLE VI SELF-SURVEY

1. Date of Survey:_____
2. Type of Survey: ☐ Initial ☐ Update ☐ Other:_____
3. Check program area:
 - ☐ HOME Investment Partnership
 - ☐ Emergency Shelter Grant (ESG)
 - ☐ Shelter Plus Care
 - ☐ Supportive Housing
 - ☐ Section 8 Housing Assistance
 - ☐ Section 8 New Construction
 - ☐ Family Self-Sufficiency (FSS)
 - ☐ HOPE for Elderly Independence
 - ☐ Appalachian Regional Commission (ARC)
 - ☐ Housing Opportunities for Persons with AIDS (HOPWA)
4. Name of Facility/Agency: _____
 Street Address: _____
 City, State, Zip: _____
 County: _____
5. Administrative Head: _____
 Title: _____
6. Local Title VI Coordinator: _____
 Street Address: _____
 City, State, Zip: _____
 Phone Number: _____
7. Advisory Group or Advisory Board:
 - a. What is the racial composition of the advisory group or advisory board?
 Total:_____ Number of white:_____ Number of nonwhite:_____
 - b. How are members selected?

 - c. What is the length of the term members serve on the advisory group or board?

8. Nondiscrimination Policies: Does your Agency have a written policy stating that services will be provided to all persons without regard to race, color or national origin?
- ☐ Yes ☐ No

If yes, attach a copy (***FOR INITIAL SURVEY ONLY***).

9. Posters: Are posters containing Title VI information prominently displayed within the facility?
- ☐ Yes ☐ No

- a. Do these posters show the name of the Local Coordinator to whom complaints should be referred?

☐ Yes ☐ No

10. Records: Are permanent records kept of all Title VI complaints?

☐ Yes ☐ No

11. Complaints: If applicable, describe below any complaints received in this reporting period:

Name of Complainant	Race	Charge	Findings

12. Dissemination: Is Title VI disseminated to your employees and your clients/applicants?

☐ Yes ☐ No

If yes, describe how employees are informed: _____

- a. Are you confident that applicants and clients are clearly aware of their rights under Title VI, including the right to file a complaint?

☐ Yes ☐ No

- b. Are new employees clearly informed about their specific responsibilities to clients under Title VI?

☐ Yes ☐ No

- c. Are staff members periodically reoriented or refreshed on information detailing their Title VI responsibilities?

☐ Yes ☐ No

If yes, state by whom and how: _____

13. Compliance Assurance: Do all contracts that provide direct services to clients contain a Title VI statement of compliance?

☐ Yes ☐ No

If yes, attach a copy of the Title VI statement included in such contract (***FOR INITIAL SURVEY ONLY***).

14. Are you confident that each of your subcontractors or vendors, if any, are clearly aware of your agency's commitment to Title VI?

☐ Yes ☐ No

If yes, attach a copy of information used to ensure subcontractors or vendors are aware of your agency's commitment to Title VI (***FOR INITIAL SURVEY ONLY***).

15. Are all physical areas (i.e., exits, waiting rooms, dining areas, restrooms, etc.) provided and used without regard to the race, color or national origin of clients?

☐ Yes ☐ No

If no, identify the areas that are not used jointly and explain why: _____

STATEMENT OF ASSURANCE

Name of Applicant ("The Applicant")

HEREBY AGREES THAT it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by the Regulations of the U.S. Department of Housing and Urban Development, Department of Justice (28 CFR Parts 42 and 50), Kentucky Housing Corporation (KHC), and any requirements or directives issued pursuant to that Act and the Regulations of KHC, to the effect that, no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity for which the Applicant received Federal financial assistance from KHC; and **HEREBY GIVES ASSURANCE THAT** it will immediately take any measures necessary to effectuate this agreement.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal financial assistance, grants and loans of Federal funds, reimbursable expenditures, grants or donations of Federal property and interest in property, details of Federal personnel, the sale and lease of and the permission to use Federal property or interest in such property or the furnishing of services without consideration or at nominal consideration, or at a consideration which is reduced for the purpose of assisting the Applicant, or in recognition of the public interest to be served by such sale, lease, or furnishing of services to the Applicant, or any improvements made with federal financial assistance extended to the Applicant by KHC.

BY ACCEPTING THIS ASSURANCE, the Applicant agrees to compile data, maintain records and submit reports as required to permit effective enforcement of Title VI, and permit authorized KHC personnel during normal working hours to review and copy such records, books and accounts as needed to ascertain compliance with Title VI. If there are any violations of this assurance, KHC shall have the right to seek administrative and/or judicial enforcement of this assurance and suspend future assistance.

This assurance is binding on the Applicant, its successors, transferees and assignees as long as it receives assistance from KHC. In the case of real property, this assurance is binding for as long as the property is used for a purpose for which this assistance was intended. In the case of personal property, this assurance applies for as long as the Applicant retains ownership or possession of the property. The person or persons whose signatures appear below are authorized to sign this assurance on the behalf of the Applicant.

Date

Applicant

By:_____

Title of Authorized Official

Address of Applicant

No other funds or benefits may be disbursed under these programs unless this assurance is completed and filed as required by existing regulations.

TITLE VI COMPLIANCE STATUS

KHC ASSESSMENT SHEET

Name of Agency/Facility: _____

		Yes	No
1.	Services from this facility are provided to clients without regard to race, color or national origin.	•	•
2.	An employee has been appointed to serve as Title VI local coordinator for this agency/facility.	•	•
3.	A written procedure exists for hearing and reviewing Title VI complaints.	•	•
4.	Records are maintained regarding all alleged cases of discrimination.	•	•
5.	Title VI posters are prominently displayed and are used to emphasize the Title VI program and complaint opportunities.	•	•
6.	All clients are specifically informed about their individual rights under Title VI.	•	•
7.	New employees are clearly informed about their responsibilities to clients under Title VI.	•	•
8.	Contracts between this agency and another party include the formal Title VI "State of Compliance" clause.	•	•
9.	Other parties which contract with this agency (e.g., vendors, subcontractors) are clearly informed by this agency about their responsibilities to clients under Title VI standards.	•	•

CABINET FOR FAMILIES AND CHILDREN



TITLE VI

IMPLEMENTATION

PLAN

CABINET FOR FAMILIES AND CHILDREN

TITLE VI IMPLEMENTATION PLAN

TABLE OF CONTENTS

Overview	1
Scope	1
Responsible Official	2
Statement of Assurance	2
Effective Date	2
Programs Subject to Title VI	3
Complaint Procedures	5
Compliance Reporting	7
Training	7
Evaluation Procedures	8
Public Notification	8
Record Keeping	8
Minority Representation	9
Definition of Common Terms	10

Overview

The Cabinet for Families and Children was established by Executive Order 96-862 and confirmed by the 1998 General Assembly in HB 132 to provide leadership in protecting and promoting the well-being of Kentuckians through the delivery of quality services to families, children and vulnerable adults. The Cabinet for Families and Children was reorganized effective June 16, 1998 and again on February 11, 1999 in accordance with Executive Orders 98-731 and 99-203, respectively. The Cabinet for Families and Children includes the following offices and departments: Office of Program Support, Office of Technology Services, Office of Performance Enhancement, Department for Community Based Services and Department for Disability Determination Services. In addition, the Office of Family Resources and Youth Service Centers is also housed within the Cabinet for Families and Children. General funds to support this office are appropriated to the Department of Education and transferred to the Cabinet for Families and Children. The administrative and program support systems for the Cabinet are grouped into one major program area with the primary function to provide support services for major program areas and line staff of the Department for Community Based Services and the Department for Disability Determination Services. In addition, the mission of the Cabinet is to ***provide statewide leadership in protecting and promoting the well being of Kentuckians by delivering quality human services.***

Title VI of the Civil Rights Act of 1964 states that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” The Cabinet for Families and Children takes its responsibilities under Title VI very seriously and reaffirms its compliance with and commitment to the requirements imposed by the relationship of this historic legislation to the Cabinet’s mission.

SCOPE

The legal authority for adoption of the policies and procedures contained in this implementation plan is outlined in Senate Bill 248 (KRS 344.015) which requires all state agencies as defined in KRS 12.010 to prepare and submit Title VI implementation plans and annual updates.

The Cabinet will not on the ground of race, color, or national origin directly or through contractual or other arrangements:

- deny any individual or group any service, financial aid, or other benefit provided under any program;
- provide any service, financial aid, or other benefit to an individual or group in a different manner from that provided to others under the program;

- subject an individual or group to segregation or separate service, financial aid, or other benefit under any program;
- restrict an individual or group in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under any program;
- treat an individual or group differently from others in determining whether he satisfies any admission, enrollment, eligibility, membership or other requirement or condition individuals must meet in order to be provided any service, financial aid, or other benefit under the Cabinet's programs;
- adopt methods of administration which would limit participation by any individual or group of recipients of any programs; or
- deny an individual or group the opportunity to participate as a member of a planning or advisory body which is an integral part of a program.

RESPONSIBLE OFFICIAL

The responsibility for coordinating, implementing, monitoring, and reporting under Title VI in the Cabinet is assigned to the Cabinet's Equal Employment Opportunity Coordinator. The Cabinet's EEOC is:

Stephen Jones, Executive Staff Advisor
Office of Program Support
275 East Main Street, 4C-B
Frankfort, Kentucky 40621-0001
(502) 564-3106, Ext. 101

STATEMENT OF ASSURANCE

The Cabinet has provided the required assurances to providers of federal financial assistance. Also, through contracts and regulations, the Cabinet has bound contractors, vendors, and all other Cabinet sub-recipients.

EFFECTIVE DATE

In accordance with the provisions outlined in section 3 of 45 KAR 1:08, the effective date of the Cabinet for Families and Children initial Title VI Implementation Plan is January 1, 1996. The Cabinet for Families and Children was initially created on December 28, 1995 by Executive Order 95-79. The Cabinet's Title VI Implementation Plan was last updated June 30, 1998.

PROGRAMS OR ACTIVITIES SUBJECT TO TITLE VI

The Cabinet receives federal financial assistance for the following programs or activities:

The Food Stamp Program. This program is designed to promote the general welfare and to safeguard the health and well being of the nation's population by raising the levels of nutrition among low-income households. Any household having a lower or temporarily reduced monthly income may be eligible to receive food stamps if basic eligibility requirements are met. The Food Stamp Program is administered via the Department of Community Based Services (DCBS) network of regional staff with offices in each of Kentucky's 120 counties.

The Medicaid Eligibility Determinations. The Cabinet for Families and Children under a contract with the Department for Medicaid Services performs eligibility determinations for the Medicaid Program. The Medicaid Program provides preventive and remedial care to the financially and medically indigent citizens of Kentucky.

The Child Support Enforcement (CSE) Program. The goal of CSE is to ensure that children are financially supported by both of their parents through the collection of support from parents who are legally obligated to pay. State statutes governing the operation of the CSE program in the Commonwealth were enacted under the Kentucky Child Support Recovery Act and are in KRS 205.170 – 205.800. The Division of Child Support Enforcement maintains program administration contracts with approximately 105 county officials to provide judicial and other CSE functions locally.

The Low Income Home Energy Assistance Program and The Weatherization Assistance Program are federally funded programs that provide assistance to help low income households meet the rising cost of energy expenses. The goal of the Home Energy Assistance Program is to provide assistance to low income households for home heating. The program is divided into two segments: subsidy, which provides heating assistance benefits to all eligible households; and crisis, which is designed to assist any low income family experiencing a home heating emergency.

The Weatherization Assistance Program is intended to reduce energy consumption, lower the heating bills and ensure the health and safety of low income families whose annual income is at or below 125% of the federal poverty level.

The Cabinet for Families and Children contracts with community action agencies and municipal governments to administer the Home Energy Assistance Program and the Weatherization Assistance Program.

The Kentucky Transitional Assistance Program (K-TAP). On August 22, 1996, the Personal Responsibility and Work Opportunity Reconciliation ACT amended Title IV-A of the Social Security Act to authorize block grants to states for Temporary Assistance for Needy Families (TANF). K-TAP is Kentucky's TANF program. K-TAP provides financial assistance to families to meet basic subsistence needs. K-TAP is administered via the Department of Community Based Services (DCBS) network of regional staff with offices in each of Kentucky's 120 counties.

Kentucky Works (Formerly JOBS). All applicants for K-TAP complete an initial needs assessment and Transitional Assistance Agreement outlining a plan to become self-sufficient. Once approved for benefits, the recipient is assigned to a case manager who completes a comprehensive assessment, makes referrals to acceptable work or work preparation activities, monitors attendance, and authorizes necessary supportive services for transportation, child care, and other items needed for successful participation.

Welfare to Work. Moving people from welfare-to-work is now one of the primary goals of federal welfare policy. The Balanced Budget Act of 1997, signed by the President on August 5, helps to achieve that goal by authorizing the U.S. Department of Labor to provide Welfare-to-Work Grants to States and local communities to create additional job opportunities for the hardest-to-employ recipients of TANF. At least 70 percent of the Grant Funds: Must be spent on individuals who face two of three specified labor market deficiencies and who are long-term welfare recipients, or who face termination from TANF within 12 months; or who are noncustodial parents of minors whose custodial parent meets these criteria. Labor market deficiencies include (1) lack of high school diploma or GED and low reading or math skills, (2) requiring a substance treatment for employment, and (3) a poor work history. Up to 30 percent of the Grant Funds: May be spent on individuals who are "recent" recipients of TANF assistance or noncustodial parents who have characteristics associated with long-term welfare dependence -- such as school dropout, teen pregnancy, or poor work history.

The Food Stamp Employment and Training (FS E&T) Program provides general education, vocational education skills training, work experience, and workfare to food stamp recipients. The goal of this program is to raise the education level and secure job opportunities for food stamp recipients. In August 1997, Public Law 105-33 amended the Food Stamp Act in relations to the FS E&T program. The law mandates that 80 percent of federal FS E&T funding must be spent on individuals who are subject to the work requirement of 7USC 2015(0). Effective January 1, 1998 the FS E&T program targeted the previously referenced individuals in 62 counties to require participation in one of the following components: vocational education, skills training, education or workfare. Food stamp recipients in all 120 counties may volunteer to participate in a component.

Family Based Services are designed to provide maximum in-home services in order to safely preserve the family unit. Family based services include child protection, reunification following out-of-home placement, homemaker services, preventive services for families, community-based juvenile services, family preservation services, parent education, mental health services through contracts with local comprehensive care centers, self-help services provided through local child abuse councils and preventive assistance.

Alternative for Children supports the Family Based Services subprograms by providing placement resources for children who have been or are at risk of being abused. These services are provided through: family foster care; specialized placements for emotionally disturbed children, status offenders, and expectant mothers in need of maternity home care; and adoption services.

Adult Services are provided in accordance with KRS 209 and are directed toward preserving the vulnerable individual's independence to the maximum degree possible and/or protecting him/her from abuse, neglect and/or exploitation. Protection, self-support, and guardianship are the three major components of Adult Services.

Child Day Care Services cover a wide range of areas to promote, expand, and improve the quality of care for children in Kentucky. Child Day Care Services are directed at: preventing or remedying abuse, neglect or exploitation of children; strengthening and maintaining client families; preventing family dissolution; preventing out-of-home placements; and reducing client dependency on social services and public assistance by promoting self-sufficiency. These services are provided by subsidized child care through the Social Services Block Grant and the Child Care Development Fund. Licensed and certified programs provide full and part-day care services.

Disability Determinations. In 1956, Congress passed an amendment to the Social Security Act (PL 84-880) that provided for cash benefits to be paid to workers with a disability and certain of their disabled dependents. Eligibility for these payments is partly based on the employment record of the worker with a disability. In 1972, an amendment was added (PL 92-603) to provide payments to needy aged, blind and disabled persons under Title XVI, Supplemental Security Income (SSI). SSI provides payments to individuals with a disability who are below certain income and resource guidelines. The purpose of these disability programs is to provide assistance to citizens who, because of a medical condition, are unable to work. Not only must the person be unable to perform the work he has previously done, but he must also be unable to do any other work appropriate to his age, education and prior work experience. These two titles provide the basis of the activities administered by the Department of Disability Determinations (DDD). The Department determines medical eligibility for residents of the Commonwealth who apply for Social Security and SSI Disability benefits. The DDD also reviews the continuing eligibility of those beneficiaries selected by the Social Security Administration (SSA). Additionally, the Department conducts face-to-face evidentiary hearings for those individuals who appeal an unfavorable review of their continuing eligibility.

COMPLAINT PROCEDURES

A complaint alleging that the Cabinet for Families and Children, one of its employees, a sub-recipient, or any related party is in violation of Title VI may be filed internally or externally. Such a complaint should contain the following information:

- The complainant's name, address, and telephone number.
- The name and location of the entity providing the service.
- The nature of the incident that led to the complaint.
- The basis of the complaint, (i.e. race, color, or national origin).
- Name, address, and telephone number of witness(es) or other individual(s) who may have knowledge of the event.
- The date or dates on which the alleged discriminatory event or events occurred.

External complaints should be filed within 180 days of the alleged discrimination with the Kentucky Commission on Human Rights. All external complaints, written or verbal, will be accepted. In the event a complainant is unable to put their allegations in writing, the complainant may receive assistance by contacting the Kentucky Commission on Human Rights Title VI Coordinator.

Internal complaints may be filed at the local level with a local Equal Employment Opportunity Counselor (EEOC); at the department level with the Department's Equal Employment Opportunity Coordinator; or at the cabinet level with the Cabinet's Equal Employment Opportunity Coordinator. All local EEOC's have the primary responsibility for investigating complaints and for reporting the findings to the Department and Cabinet EEOC's. Complaints received initially at the department level or cabinet level will be remanded to the local EEOC for proper disposition.

Within 30 calendar days of receipt of a complaint of discrimination, the local EEOC shall conduct a preliminary inquiry to substantiate or refute any and all allegations of discrimination and report the results of the preliminary inquiry in writing to the Department EEOC and the Regional Administrator or Division Director with jurisdiction over the entity where the alleged discrimination took place. Within 10 working days after receiving the results of the preliminary inquiry, the Division Director or Regional Administrator will provide the complainant with the results of the preliminary inquiry. If the allegations in the complaint are not substantiated, the complainant will be notified in writing and informed how the determination was made. The notice should also inform the complainant of other avenues to pursue the complaint. If the written report indicates that a violation of Title VI has occurred, a copy of the report shall be transmitted to the complainant with a statement of any final action taken or intended to be taken at the local level. The complainant will also be notified of his/her right to appeal to the department level.

Within 30 calendar days of receipt of a Title VI appeal, the Department EEOC shall conduct a thorough investigation of any and all allegations mentioned in the appeal. The results of the investigation should be reported in writing to the Cabinet EEOC and the Commissioner of the Department for Community Based Services. Within 10 working days after the report is submitted to the Commissioner of the Department for Community Based Services, the report shall be transmitted to the complainant with a statement of any final action taken or intended to be taken by the Department of Community Based Services. The complainant will also be notified of his/her right to appeal to the cabinet level.

Within 10 calendar days of receipt of a Title VI appeal, the Cabinet EEOC shall review and evaluate all the information gathered during the local and department investigations and determined whether or not there is need for further investigation. If the determination is made that another investigation would not produce any additional pertinent information, the complainant will be notified in writing of the Cabinet's decision to uphold the decision rendered by the Department for Community Based Services. However, if a determination is made that the investigations conducted at the local and department levels were not sufficient, the Cabinet EEOC has 30 calendar days to complete a more thorough investigation. The results of the investigation should be reported in writing to the Secretary of the Cabinet for Families and Children. Within 10 work days after the report is submitted to the Secretary, the report shall be transmitted to the complainant with a statement of any final action taken or intended to be taken by the Cabinet for Families and Children. The complainant will also be notified of his/her right to appeal to the Kentucky Commission on Human Rights, the U. S. Department of Health and Human Services, or the Civil Rights Division of the U. S. Department of Justice.

In order to withdraw a complaint, the complainant must submit to the Cabinet for Families and Children a written request to withdraw the complaint.

COMPLIANCE/NONCOMPLIANCE REPORTING

The Cabinet for Families and Children obtains a contractual commitment and assurance from each sub-recipient that the contractor does not and will not discriminate on a prohibited basis and complies with all laws including, but not limited to Title VI of the Civil Rights Act of 1964. The Cabinet for Families and Children will monitor compliance internally through a self-survey instrument (see appendix). The local EEOC's will administer this self-survey annually and forward the results to the Department/Office EEOC's by November 30 of each reporting year. The Department/Office EEOC's will compile the results of the reviews and submit a report to the Cabinet's EEOC by December 31 of each reporting year. The reports shall reflect the number of complaints received and the status of their resolution; areas of noncompliance, recommended corrective action, and an expected time frame and method of monitoring to ensure that compliance is achieved.

All instances of noncompliance identified through complaint investigation or through the compliance review process will be reported to the Cabinet's EEOC. The Cabinet's EEOC will initiate efforts to obtain full compliance voluntarily. In the event that voluntary compliance is not obtained within a reasonable period, the Cabinet's EEOC shall report the noncompliance to the Secretary of the Cabinet for Families and Children with a recommendation for appropriate enforcement methodology.

TRAINING

Employee orientation and in-service training programs for employees will continually remind the Cabinet's staff of its responsibility to render a high quality of services to all clients regardless of their race, color or national origin. Annual EEO training for EEOC's (selected on a ratio of 1 counselor per 75 employees), supervisors, managers, regional administrators, and division directors shall be offered and attendance required except for good cause shown. All EEO counselors and coordinators are encouraged to attend the Governor's Annual EEO Conference. Sub-recipients and beneficiaries shall be provided explanatory materials and technical assistance as necessary to ensure their knowledge of and compliance with the requirements of Title VI.

EVALUATION PROCEDURES

The Cabinet for Families and Children will use the Title VI Self-Survey mentioned in the Compliance Section of this manual as a monitoring and evaluation instrument. Annual reports prepared by the Department/Office EEOC's are submitted to the Cabinet's EEOC for annual compliance review. This review will identify existing needs or deficiencies with regard to Title VI compliance, make recommendations for continued compliance, and specify any needed corrective procedures.

PUBLIC NOTIFICATION

A Cabinet for Families and Children Title VI poster that is currently being revised will be displayed in each of the Cabinet's offices. The posters will serve as the initial step in informing persons who use the Cabinet's service of their rights under Title VI. The posters will also outline information about how to file a Title VI complaint and the names of persons to contact for additional information or assistance.

All printed materials, such as agency brochures and forms, will continue to explain to prospective and current beneficiaries of the Cabinet for Families Children's services and programs that the Cabinet has a nondiscrimination policy.

RECORD KEEPING AND REPORTING

Records of all complaints and their resolutions shall be kept at the local level with a quarterly report submitted to the Cabinet's EEOC. The Cabinet's EEOC shall submit an annual Title VI compliance report to the Secretary of the Cabinet for Families and Children. This report shall discuss specific complaints, the activities of the Cabinet's EEOC relative to Title VI during the past year, the status of sub-recipient compliance plans, and shall summarize Title VI compliance and enforcement data. This report and all other Title VI reports shall be retained by the Cabinet's EEOC in an active file for a minimum of one year and a maximum of five years.

MINORITY REPRESENTATION

The Cabinet for Families and Children has the following advisory groups (majority: minority ratios are as indicated):

Child Support Guidelines Review Committee	9:0
Attorney General's Commission	8:1
Contracting Official Workgroup	11:0
Advisory Council on the Homeless	12:3
Public Assistance Appeal Board	3:0
Advisory Council for Community-Based Services	30:6
Alzheimer's Disease and Related Disorders Taskforce	15:4

All segments of the citizenry are solicited for nomination to the Cabinet's advisory groups with special emphasis being placed on recruiting minorities to fill vacancies of these bodies.

On June 30, 1999, the Cabinet for Families and Children's total workforce was 5,770 employees. 10.3% or 596 of the Cabinet's employees are minorities. The Cabinet for Families and Children continues to take a proactive approach toward recruiting, retaining and promoting minorities.

DEFINITION OF COMMON TERMS

Cabinet

This refers to the Cabinet for Families and Children as established by Executive Order 96-862 and confirmed by the 1998 General Assembly in House Bill 132.

Complaint

A verbal or written statement that alleges that a federally assisted program is operated in a manner that results in disparity of treatment to persons or groups of persons because of their race, color, or national origin.

Discrimination

To make any distinction between a person or group of persons and others, either intentionally, by neglect, or by the effect of actions, or lack of actions based on race, color, or national origin.

Secretary

This refers to the Chief Executive Officer of the Cabinet for Families and Children.

Sub-recipient

Any entity receiving federal funds from the Cabinet for Families and Children for the performance of a service authorized or required by the terms of the grant or contract making federal funds available for carrying out a program or providing benefits or services to the public.

APPENDIX

EQUAL OPPORTUNITY MONITORING TOOL

A. DISCRIMINATION BECAUSE OF SPECIFIC PROHIBITED GROUNDS

MONITORING ACTIVITY:

- Review participant eligibility policies and procedures
- Review compliant logs
- Review site location

1. Is there any indication that an individual was denied any service, financial aid or benefit? _____
If so, details: _____
2. Is there any indication that services provided were different than those provided to others? _____
If so, details: _____
3. Is there any indication that any Individual was subject to segregation or separate treatment in any manner related to his or her receipt of any service, financial aid, or benefit _____ If so, details: _____
4. Is there any indication that any individual was restricted in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or benefit? _____ If so, details: _____
5. Is there any indication that any individual was treated differently from others in determining whether he or she satisfied any admission, enrollment, eligibility, membership, or other requirement or condition for any service, financial aid function or benefit? _____ If so, details: _____
6. Is there any indication that an individual was denied or limited with respect to any opportunity to participate in the program or activity, or afford him or her an opportunity to do so which is different from that afforded others under the program or activity? _____ If so, details: _____
7. Is there any indication that an individual was denied the opportunity to participate as a member of a planning or advisory body which is an integral part of the program or activity? _____ If so details: _____
8. Is there any indication that discrimination was aided or perpetuated by providing significant assistance to the agency. If the agency discriminates on a prohibited ground in providing any service, financial aid, or benefit to applicants or participants in the program or activity? _____ If so, details: _____
9. Is there any indication that the entity refused to accommodate a person's religious practices or beliefs, unless to do so would result in undue hardship? _____ If so, details: _____

10. Is there any indication that the entity otherwise limited on prohibited ground an individual in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, service or training? _____ If so, details: _____
11. Is there any indication that when determining the types of services or financial aid, the entity used standards, procedures or criteria that have the purpose or effect of defeating or substantially impairing, on a prohibited ground accomplishment of the objectives of the program or activity? _____ If so, details: _____
12. Is there any indication that the site or location of facilities was determined to exclude individuals from denying them the benefits of, or subjecting them to discrimination on a prohibited ground? _____ If so, details: _____

MONITORING DOCUMENTATION:

- Copies of policies and procedures
- Copies of complaint logs
- Visual inspection of site

B. DISCRIMINATION BECAUSE OF PROHIBITED GROUND OF DISABILITY

MONITORING ACTIVITIES:

- Review policies and procedures regarding access and accommodation
- Review physical site for access and accommodation
- Review physical site for signage
- Review auxiliary aids
- Review status report on self-evaluation
- Review special programs and services
- Review complaint log

1. Is there any indication that any service or aid was denied a qualified individual with a disability? _____ If so, details: _____
2. Is there any indication that a qualified individual was not afforded training equal to others? _____ If so, details: _____
3. Is there any indication that a qualified individual was not provided service or training that was not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others? _____ If so, details: _____

Equal Opportunity Monitoring Tool
page three

4. Is there any indication that different benefits or services were provided to individuals, unless such action is necessary to provide qualified individuals services or training that are as effective as others? _____ If _____ so, details: _____
5. Is there any indication that an agency that discriminates was provided significant assistance to aid or perpetuate discrimination against a qualified individual? _____ If so, details: _____
6. Is there any indication that a qualified individual was denied the opportunity to participate as a member of planning or advisory boards because of disability? _____ If so, details: _____
7. Is there any indication that a qualified individual was limited in enjoyment of any right, privilege advantage, or opportunity enjoyed by others receiving any aid, benefit, service or training? _____ If _____ so, details: _____
8. Is there any indication that a qualified individual was denied an opportunity to participate in programs because of permissibly separate or different programs or activities? _____ If so, details: _____
9. Is there any indication that the program and activity was not administered in the most integrated setting appropriate to the needs of qualified individuals? _____ If so, details: _____
10. Is there any indication that criteria or administrative methods:
- a. Subjected qualified individuals to discrimination? _____ If so, details: _____
 - b. Have the purpose or effect of defeating or substantially impairing accomplishments of the objectives of the program or activity? _____ If so, details: _____
 - c. Perpetuate the discrimination of another entity if both entities are subject to common administrative control or are agencies of the same state? _____ If so, details: _____
11. Is there any indication that selection of any site or location was made with the purpose or effect of excluding individuals? _____ If _____ so, details: _____
12. Are there policies and procedures regarding access and accommodation? _____ If so, details: _____

13. Are staff knowledgeable of their responsibilities? _____ If not, details: _____

a. Has training taken place? _____ If not, details: _____

14. Do people with disabilities have a choice? _____ If so, details: _____

MONITORING DOCUMENTATION:

- Copies of policies and procedures regarding access and accommodation
- Copy of status report on self-evaluation actions
- Copy of complaint log
- Visual inspection of signage
- Visual inspection of accessibility
- Visual inspection of auxiliary aids

C. COMMUNICATIONS WITH INDIVIDUALS WITH DISABILITIES

MONITORING ACTIVITY:

- Review policies and procedures on communications
- Review auxiliary aids and services
- Review publications giving information to interested persons
- Review signage for proper communications

1. Has recipient taken appropriate steps to ensure that communications for individuals with disabilities are as effective as communications with others? _____
Steps: _____

2. Have appropriate auxiliary aids or services been furnished to afford individuals an equal opportunity to participate in, and enjoy the benefits of, the program? _____ If not, details: _____

a. If so, what aids: _____

b. Was request of individual for type of aid taken into consideration? _____ If not, details: _____

Equal Opportunity Monitoring Tool
page five

3. In communications with individuals being served by telephone, are systems such as telecommunications systems for the hearing impaired being used? _____ If not, details: _____
4. Are interested persons being given information as to the existence and location of accessible services, activities and facilities? _____ If not, details: _____
5. Is signage provided at primary entrances to each inaccessible facility directing users to a location at which they can obtain information about accessible facilities? _____ If not, details: _____
 - a. If so, is signage accurate and appropriate? _____ If not, details: _____
 - b. Is international symbol for accessibility used at each primary entrance? _____ If not, details: _____
6. If recipient believes action would cause undue financial or administrative burdens:
 - a. Has sufficient proof been offered to substantiate the burden? _____
 - b. Has written statement been produced? _____
7. Has all other action been taken to ensure to the maximum extent possible, that individuals receive the benefits or services provided by the recipient? _____ Describe action: _____

MONITORING DOCUMENTATION

- Copies of policies and procedures on communications
- Visual inspection of auxiliary aids
- Copies of information on services provided
- Copies of publications and other materials
- Visual inspection of signage

D. INTIMIDATION AND RETALIATION

MONITORING ACTIVITY

- Review complaint logs

1. Is there any indication that the recipient took any prohibited action against any person because such person exercised any rights and privileges under the nondiscrimination and equal opportunity provisions? _____ if so, details: _____

MONITORING DOCUMENTATION:

- Copies of complaint logs

E. RECORD KEEPING AND OTHER AFFIRMATIVE OBLIGATIONS

MONITORING ACTIVITY

- Review contents
- Review plans
- Review property and real estate records

1. Assurance:

- a. Did the application for federal assistance include the required assurance statement?
_____ If not, details: _____
- b. Is the required assurance statement incorporated in the grant or contract, either directly or by _____ reference? _____ If _____ not, details: _____
- c. Did any application to continue a program include a statement is conducted in compliance with the nondiscrimination and equal opportunity provisions? _____ If not, details: _____
- d. If federal assistance is in form of personal property or real estate, is there an assurance that obligates the recipient for the period used for a purpose for which assistance is extended, as long as the recipient retains ownership or possession of the property?
_____ If not, details: _____
- (1) In all other cases, did assurance obligate the recipient for the period during which _____ assistance _____ extended? _____ If _____ not, details: _____

2. Covenants:

- a. Where Federal financial assistance is provided in the form of a transfer of real property, structures, improvements thereon, or interests therein, did the instrument effecting or recording the transfer contain a covenant assuring nondiscrimination and equal opportunity for the period in question? _____ If not, details: _____

- b. Where no transfer from the Federal government is involved, but real property or interests therein is acquired or Improved did the instrument effecting or recording any subsequent transfer contain a covenant assuring nondiscrimination and equal opportunity for the period in question? _____ If not, details: _____

MONITORING DOCUMENTATION

- Copies of contracts
- Copies of plans
- Copies of property and real estate records

F. EQUITABLE SERVICES

MONITORING ACTIVITY:

- Review outreach plan
- Review outreach publications

1. Does recipient have an outreach plan? _____ If not, details: _____
2. Does it identify populations, recruitment methods, promotions? _____ If not, Details: _____
3. Is plan communicated to appropriate staff? _____ If not, details: _____
4. Does EOC review the plan in the developmental stages? _____ If not, details: _____
5. Does publicity material indicate a good faith effort to reach all groups? _____ If not, details: _____

DESIGNATION OF EQUAL OPPORTUNITY OFFICER

MONITORING ACTIVITY:

- Inspect Equal Opportunity Officer's position description
- Determine if EOC is fully trained
- Review publications concerning EOC
- Review entity's organization chart
- Determine average time EOC spends on EO tasks
- Determine amount of support given to EOC

1. Is recipient required to have an equal opportunity officer? _____ If not, details: _____

(SMALL RECIPIENTS/SERVICE PROVIDERS-NOT REQUIRED-SECTION)

2. If an equal opportunity counselor is required:
- a. Has the name, title of position, address and telephone number of the officer been made public? _____ If not, details: _____
- b. Have sufficient staff and resources been assigned to ensure compliance? _____ If not, details: _____
3. If a "small recipient," has a person been designated to be responsible for the adoption and publication of complaint procedures and the processing of complaints? _____ If not, details: _____
4. Has position description of EOC been updated to include new requirements? _____ If not, details: _____
5. Has EOC received EO training? _____ If not, details: _____ If yes, _____ type _____ of _____ training: _____
6. Is EOC on entity's organization chart? _____ If not, details: _____
7. Is EOC devoting necessary time to EO? _____ If not, details: _____
8. Is EOC actively involved in entity activities (meetings, correspondence)? _____ If not, details: _____

MONITORING DOCUMENTATION:

- Copy of Equal Opportunity Officer's position description
- Copies of training agendas
- Copies of publications concerning EOC
- Copy of entity's organization chart

H. DISSEMINATION OF POLICY

MONITORING ACTIVITY

- Inspect premises
- Review participant folders
- Review entity correspondence
- Review plans and manuals
- Review public notices, brochures, other materials
- Review training plans and activities

1. Initial and Continuing Notice:

- a. Has recipient provided initial and continuing notice that it does not discriminate on any prohibited ground? _____ If not, details: _____
- b. Is the notice posted prominently? _____ If not, details: _____
- c. Is the notice posted in reasonable numbers and places? _____
List Locations: _____
If not, details: _____
- d. Is the notice disseminated in internal memoranda and other written communications?
_____ If not, details: _____
- e. Is the notice included in handbooks and manuals? _____ If not,
details: _____
- f. Is the notice made available to participants and made a part of the participant's file?
_____ If _____ not,
details: _____

(1) Is notice properly signed and dated? _____ If not,
details: _____
- g. Is the initial and continuing notice provided in appropriate formats to individuals with visual impairments? _____ If not, details: _____ Formats used? _____

(1) If alternate format, has a record that such notice was given made a part of the participant file? _____ If not, details: _____
- h. Was notice provided within 90 days of the effective date of this requirement first applies to any effected person? _____ If not, details: _____

- i. Did all required notices contain the required verbiage? _____ If not, details: _____
- j. Did the recipient provide the required notice to the service provider? _____ If not, details: _____

2. Publications:

- a. Do brochures and other materials ordinarily distributed to the public contain the proper statements and information? _____ If not, details: _____
- b. If recipient is required by law or regulation to publish or broadcast program information in the news media, did publications and broadcasts include the required statements and information? _____ If not, details: _____
- c. Did recipient use or distribute a publication that suggests, by text or illustration, that recipient treats any person differently on any prohibited ground? _____ If so, details: _____

3. Services or Information in a Language Other Than English:

- a. Are reasonable steps being taken to provide services and information to other concentrations of persons with different languages? _____ Which languages? _____
- (1) The required initial and continuing notice? _____ If not, details: _____
- (2) Publications? _____ If not, details: _____

4. Orientation:

- a. When orienting new participants and/or new employees, does recipient include a discussion of their rights under the nondiscrimination and equal opportunity provisions? _____ if not, details: _____

5. Training:

- a. Have staff been trained on EO activities? _____ If not, details: _____ Dates of recent training: _____
- (1) Is refresher training an ongoing process? _____

MONITORING DOCUMENTATION:

- Visual inspection of premises
- Review participant folders
- Copies of entity correspondence
- Copies of applicable plans and manuals
- Copies of public notices, brochures, other materials
- Copies of training plans and activities

I. DATA AND INFORMATION COLLECTED

MONITORING ACTIVITY:

- Review correspondence on data collection
- Review complaint log
- Confidentiality policies and procedures
- Review training agendas

1. Data and Information Collected:

- a. Has recipient notified the DCR of any administrative enforcement actions or lawsuits filed against it alleging discrimination on a prohibited ground/s? _____ If so, details: _____

(1) Was _____ notification prompt? _____ If not, details: _____

- b. Has any federal agency conducted a civil rights compliance review or compliant investigation during the two preceding years in which the grant applicant or recipient was found to be in noncompliance? _____

(1) If so: Parties involved _____
The forum of _____
Case numbers pertaining to _____
Administrative enforcement actions _____

- c. Has recipient maintained a log of complaints filed with It that allege discrimination on a prohibited ground/s?

(1) If so, does it have the following information?

- (a) Name and address of complaint _____
- (b) Prohibited ground of the complainant _____
- (c) Description of complaint _____
- (d) Date complaint was filed _____
- (e) Disposition and date of disposition _____
- (f) Other pertinent information _____

2. Record Retention:

- a. Is recipient maintaining required records for a period of not less than three years? _____ If not, details: _____
- b. Is recipient maintaining required records regarding complaints and actions taken thereunder for a period of not less than three years from date of the complaint? _____ If not, details: _____

DOCUMENTATION:

- Copies of complaint logs
- Copies of training agendas
- Copies of correspondence to DCR

J. DISCRIMINATION COMPLAINTS

MONITORING ACTIVITY:

- Review policies and procedures for processing complaints
- Review complaint log

1. Has recipient adopted and published procedures for processing complaints? _____ If not, details: _____
- a. Do they provide for the prompt equitable resolution of complaints? _____ If not, details: _____

2. If recipient processed a complaint, was written notification of the resolution of the grievance provided to the complainant within 60 days of the filing of the complaint? _____ If not, details: _____
- a. Notification include a statement of complainants' right to file a complaint with the Secretary's Office? _____ If not, details: _____

MONITORING DOCUMENTATION:

- Copies of policies and procedures for processing complaints
- Copy of complaint log

CABINET FOR HEALTH SERVICES



Office of Program Support

CABINET FOR HEALTH SERVICES
COMMONWEALTH OF KENTUCKY
FRANKFORT 40621

May 11, 2000

Mr. Edward B. Hatchett, Jr.
Auditor of Public Accounts
Capitol Annex, Room 144
Frankfort, Kentucky 40601

Dear Mr. Hatchett

Enclosed please find the Cabinet for Health Services' revised Title VI Implementation Plan for 1999. The Cabinet's initial plan has been revised to correct deficiencies assigned by your office and includes the annual updates to subsections (7), (9), (10), (12) and (13) as required by 45 KAR 1:080. The updated information required for subsection (6) and the Cabinet's self-survey are included as attachments to this letter.

Should you have questions or comments after your review, please do not hesitate to contact me at (502) 564-2781.

Sincerely,


Clyde Bolton
Executive Director

Enclosures



An Equal Opportunity Employer M/F/D



Cabinet for Health Services

Implementation Plan For Title VI of the Federal Civil Rights Act

Cabinet for Health Services
275 East Main Street
Frankfort, KY 40621
Phone: 502-564-2781
Fax: 502-564-3674



Table of Contents

	Page Number
Glossary of Terms	1
Overview	1
Scope of Title VI Applicability	3
Responsible Official	4
Statement of Assurances	5
Programs and Activities Subject to Title VI	5
Complaint Procedures	5
Compliance/Noncompliance Reporting	7
Agency Training Plan	9
Evaluation Procedures	10
Public Notice & Outreach	10
Recordkeeping & Reporting	10
Minority Representation on Planning and/or Advisory Boards	12
Appendix A: CHS Title VI Coordinator Listing	14
Appendix B: Programs & Activities Subject to Title VI	15
Appendix C: CHS Title VI Complaint Form	16
Appendix D: CHS Title VI Compliance Review/Investigation Report Form	17
Appendix E: CHS Title VI Complaint Withdrawal Form	18
Appendix F: CHS Title VI Self-Survey Form	19
Appendix G: CHS Guidelines for Conducting Title VI Compliance Reviews/Complaint Investigations	21
Appendix H: KRS 344.015 - Implementation plans for Federal Civil Rights Act, Title VI by state agencies.	29
Appendix I: 45 KAR 1:080 - Standards for Title VI reporting.	30

Effective Date

The July 1999 Cabinet for Health Service's Implementation Plan For Title VI of the Federal Civil Rights Act shall be effective July 1, 1999 and updated annually thereafter on each July 1.

I. Glossary of Terms

Cabinet – Cabinet for Health Services, Commonwealth of Kentucky

Department – Departments and Offices within the Cabinet for Health Services

Discrimination – To make any distinction between one person or group of persons and others, either intentionally, by neglect, or by the effect of actions or lack of actions, based on race, color, or national origin.

Federal monies – Any funding, property, or aid provided for the purpose of assisting a beneficiary.

Minority – A person or groups of persons differing from others in some characteristics and often subjected to differential treatment on the basis of race, color, or national origin.

Subrecipients – any entity extended federal monies by the Cabinet for Health Services

Title VI – Title VI of the Civil Rights Act of 1964; Federal law prohibiting discrimination based on race, color, or national origin. It covers all forms of federal aid except contracts of insurance and guaranty. It does not cover employment, except where employment practices result in discrimination against program beneficiaries or where the purpose of the federal assistance is to provide employment.

II. Overview of the Cabinet for Health Services

The Cabinet for Health Services is the primary state agency for administering the public health, Medicaid, mental health/mental retardation, aging and certificate of need programs in the Commonwealth.

The Cabinet's mission is to promote the physical and mental health and well-being of individual Kentuckians and their communities through public policies and services that emphasize education, prevention, quality medical care, monitoring and public health planning.

Cabinet for Health Services
Title VI Implementation Plan

The Cabinet accomplishes its mission through direct and contract services for planning, program operation, monitoring and evaluation, and resource management. The Cabinet consists of the following organizational units:

Office of the Secretary

Direct and carries out the mission and goals of the Cabinet.

Office of Aging Services

Provides services to qualifying individuals under the Older Americans Act such as support, congregate meals, nutrition and employment services, as well as a long-term care ombudsman program. Administers the Homecare program, community-based services such as Adult Day Care and Alzheimer's Respite Care, and the Personal Care Attendant Program.

Office of Certificate of Need

Administers the certificate of need program as set forth in KRS 216B.

Office of the General Counsel

Provides legal advice and assistance to all units of the Cabinet.

Office of the Inspector General

Conducts audits and investigations for detecting the perpetration of fraud or abuse of any program by any client, or by any vendor of services with whom the Cabinet has contracted. Conducts special investigations into matters related to the Cabinet and its programs.

Office of Program Support

Provides professional support in human resource activities, legislation, regulations, planning, budgeting, and contract management; policy analysis related to appraisal of needs, evaluation of programs review of citizen complaints, and legislative inquiries; fiscal management, facility operations and information management for the Cabinet.

Department for Medicaid Services

Single state agency in Commonwealth which administers Title XIX of the federal social security act.

Department for Mental Health/Mental Retardation Services

Develops and administers programs and federal block grants for the prevention of mental illness, mental retardation and chemical dependency.

Department for Public Health

Develops and operates all programs and federal block grants that provide public health services and or education.

Cabinet for Health Services
Title VI Implementation Plan

Commission for Children with Special Health Care Needs

Provides diagnosis, treatment and case management for children under 21 who have specific chronic illnesses or physical disabilities and whose family incomes would not cover the complete cost of the child's care. Operates the Disabled Children's Program which provides a comprehensive service delivery system to recipients of Supplemental Security Income (SSI) under 4 years of age.

In order to accomplish the Cabinet's mission, the following goals have been established:

- Implement a health care delivery system for Kentucky Medicaid beneficiaries that emphasizes preventive and primary care and brings budget stability to the program;
- Create a strategic plan for the future of public health in Kentucky that encourages citizens to be responsible caretakers of their own health and identifies the core public health activities that will promote Kentuckians' growth and development;
- Develop alternative services for clients who are at risk of institutionalization;
- Support a comprehensive array of services and support for children and adults with special health care needs;
- Develop and implement a policies that assure access to health care through affordable insurance coverage; and,
- Achieve greater understanding of, and commitment to, the Cabinet's mission through system management, creative leadership, partnerships, and individual employee initiative.

III. Scope of Title VI Applicability

The purpose of the Title VI of the Civil Rights Act of 1964 is to prohibit programs which receive federal funds from discriminating against applicants, participants, or consumers on the basis of race, color or national origin. To ensure the Cabinet meets its compliance responsibility, the Cabinet will not, directly or through contractual or other arrangements, on the basis of race, color, or national origin:

- Deny any individual any service, financial aid, or other benefit provided under any program;
- Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;
- Subject an individual to segregation or separate treatment in any matter related to the receipt of any service, financial aid, or other benefit under its programs;
- Restrict any individual in any way from utilizing any advantage or privilege given to others receiving any service, financial aid, or other benefit under its programs;
- Treat an individual differently from others in determining whether he/she satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition

Cabinet for Health Services
Title VI Implementation Plan

which individuals must meet in order to be provided any service, financial aid, or other benefit under the Cabinet's programs;

- Deny an individual the opportunity to participate in a program through the provision of services or otherwise afford him/her an opportunity to do so which is different from that afforded others under a program including the opportunity to participate in the program as an employee but only to the extent set forth in the law; or,
- Deny an individual the opportunity to participate as a member of a planning or advisory body which is an integral part of a program.

The Cabinet will not, directly or through contractual or other arrangement, utilize criteria or methods of administration which have the effect of defeating or substantially impairing accomplishment of the objectives of a program or subjecting individuals to discrimination because of their race, color, or national origin.

In determining the site or location of a facility, the Cabinet will not make selections with the effect of excluding individuals from, denying them the benefits, or subjecting them to discrimination under any programs on the basis of race, color, or national origin, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program.

Notwithstanding the foregoing provisions, the Cabinet shall not be deemed to have failed to comply with the Act if immediate provision of a service or benefit to an individual is necessary to prevent their death or serious impairment to their health and such service or benefit cannot be provided except by or through a medical institution which refuses or fails to comply with the Act.

IV. Responsible Official

The responsibility for complying with the provisions of Title VI is vested with the Secretary of the Cabinet for Health Services or his/her designee. The Cabinet's Title VI Coordinator, located in the Office of Program Support, 275 East Main Street, 4C-C, Frankfort, KY 40621, (502) 564-2781, will be responsible for coordinating Title VI compliance between the various organizational units within the Cabinet and administering the Title VI complaint process. Each department/office shall designate a Title VI compliance coordinator (Appendix A). The department/office coordinator will be responsible for administering the compliance procedures and assisting in review and investigations of complaints of alleged discrimination. These functions will be absorbed by current staff and do not have a specific funding allocation.

V. Statement of Assurances

The Cabinet for Health Services hereby assures that it will comply with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to the Federal Regulations issued pursuant to the Act. The Cabinet will continue to provide specific assurances to providers of federal financial assistance upon application for the federal funds. Any entity entering into contractual or other arrangements with the cabinet will be required to provide written assurance of compliance with the Cabinet's Title VI Plan prior to the final acceptance of the contract or other arrangement.

VI. Programs and Activities Subject to Title VI

The programs and activities sponsored by the Cabinet for Health Services are identified in Appendix B.

This section shall be updated annually.

VII. Complaint Procedures

Any person alleging discrimination in the provision of services based on race, color or national origin has a right to file a complaint within 180 days of the alleged discrimination with the Cabinet for Health Services. All complaints, written or verbal, are accepted. In the event a complainant is unable to put their allegations in writing, the complainant shall be assisted by contacting one of the Cabinet's Title VI Coordinators and with the Coordinator's assistance the complaint shall be put in writing and signed by the Complainant.

- A. Complaints should be submitted on the Cabinet for Health Services Title VI Complaint form (Appendix C) and should contain the following information:
 - Name, address and phone number of complainant;
 - The name and location of the agency/facility providing the service;
 - The nature of the incident that lead to the complaint;
 - The basis of the complaint, i.e., race, color or national origin;
 - Name, address and phone number of any witness or other person who may have knowledge of the event; and,
 - The date or dates on which the alleged discriminatory event or events occurred or if continuous, the most recent date.
- B. Complaints received by the Cabinet for Health Services are processed as follows:

Cabinet for Health Services
Title VI Implementation Plan

- All complaints shall be forwarded to the respective department Title VI Coordinator;
- The departmental Title VI Coordinator shall, within ten (10) days, send the complainant a letter acknowledging receipt of the complaint, and shall attempt to set a time for either a telephone conversation or a meeting to discuss the events of the complaint;
- Within sixty (60) days of receipt, the departmental Title VI Coordinator shall conduct a preliminary inquiry to substantiate or refute any and all allegations and report in writing the results of this preliminary inquiry to the Cabinet's Title VI Coordinator;
- If the allegations in the complaint are not substantiated, the complainant will be notified and informed as to how the determination was made. The notice shall also inform the complainant of avenues to further pursue the complaint;
- The results of the investigation shall be reported in writing to the CHS Title VI Coordinator utilizing the CHS Title VI Compliance Review/Investigation Report form (Appendix D). If the written report indicates that a violation of Title VI has occurred, the report shall also contain a recommendation for any appropriate remedial action by the Cabinet for Health Services. Within ten (10) work days after the report is submitted to the Cabinet Title VI Coordinator, the report shall be transmitted to the Complainant with a statement of any final action taken or intended to be taken by the Cabinet for Health Services based on the recommendations in the report. The complainant shall also be advised at the time of transmittal of the Report of Investigation of the ultimate beneficiary's opportunity to seek reconsideration in accordance with federal regulation through the Civil Rights Division of the U.S. Department of Justice.

C. Failure to Cooperate

If, after initiating a complaint, the complainant fails to cooperate in the investigation, including but not limited to, failure to promptly submit material, documentation, or other evidence requested by the Title VI Coordinator, then the investigation may, at the discretion of the Cabinet Title VI Coordinator, be closed upon sending notification to the Complainant of the closure and the opportunity to re-initiate the complaint and provide the requested evidence.

D. Withdrawal of Complaint

If the Complainant desires to withdraw the complaint, then he or she shall complete and submit the Cabinet for Health Services Title VI Withdrawal of Title VI Complaint Form (Appendix E).

E. External Complaint Procedure

Cabinet for Health Services
Title VI Implementation Plan

Any person who believes himself/herself or any special class of individuals to be subject to discrimination of the type prohibited by Title VI may file a written complaint directly with the KY Commission on Human Rights (KCHR). KRS 344.200 requires that the complaint must be filed within one hundred eighty (180) days after the alleged discrimination. If, at the time of filing a complaint with the KY Commission on Human Rights, there is an internal complaint investigation pending, the Cabinet will suspend its internal investigation pending the outcome of the KCHR Complaint process.

This section shall be updated annually.

VIII. Compliance/Non-compliance reporting.

Review and Reporting

The Cabinet Title VI Coordinator is required to annually review the activities of the Departments to determine whether they are complying with Title VI and submit an annual Title VI Plan Update to the Auditor of Public Accounts and the KY Commission on Human Rights.

This review will be facilitated by the departments' completion of an annual Title VI Compliance Self-Survey (Appendix F), including the submittal of any Title VI Compliance Self-Surveys requested from subrecipients. The Cabinet Title VI Coordinator will review the surveys to ensure that they are completed in a manner that satisfactorily indicates the status of the Department's compliance with Title VI. Any deficiencies in the survey will be discussed with the Commissioner and Department Title VI Coordinator and a corrective action plan initiated.

Department Title VI Coordinators, with the approval of the Department Commissioner, the Secretary or the Cabinet's Title VI Coordinator, may direct a subrecipient to complete a Title VI self-survey or may initiate a preliminary or secondary compliance review/investigation prior to or after the award of any federal monies. In determining whether a survey or compliance review will be required, the Title VI Coordinator will consider whether the subrecipient has previously been required to conduct a pre-award or post-award survey or review, findings of previous surveys or reviews, allegations of discriminatory practices engaged in by the subrecipient, alleged or known instances or patterns of discrimination in the relevant geographic area and/or any available statistical information that may indicate patterns of discrimination. Prior to the award of federal monies, a subrecipient will be advised that they may be subject to a Title VI Compliance Self-Survey and/or a Title VI Compliance Review/Investigation anytime during the term of the contract.

Prior to the award of any federal monies to a subrecipient, the subrecipient must provide the agency with a copy of the subrecipients' current Title VI compliance plan. If the subrecipient

Cabinet for Health Services
Title VI Implementation Plan

does not have an existing plan, the subrecipient shall, as part of the contract, agree to use the agency's current Title VI plan as the guidelines for the subrecipient's compliance with Title VI. Copies of any Title VI compliance plans submitted by subrecipients to the Cabinet will be included as attachments to the Cabinet's annual Title VI Plan Update.

Compliance Reviews/Investigations

The Cabinet will use the guidelines outlined in the Cabinet's Guidelines for Conducting Title VI Compliance Reviews/Investigations (Appendix G) when conducting Title VI compliance reviews and/or investigations.

A preliminary compliance review/investigation may include, but is not limited to, the following:

- Determination of legal status, size, nature of services and type of federal monies received by subrecipient;
- Review of assurance statements and/or existing Title VI plans;
- Review of any completed Title VI compliance self-surveys;
- Review of extent of compliance in same community in Title VI programs; and,
- Securing statistical data from available sources, including available racial and ethnic background data

A secondary compliance review/investigation may include, but is not limited to, the following:

- Determination of physical description/location of funded premises, services provided by the subrecipient, geographic area served, population characteristics of area, type of financial assistance;
- Determination of Title VI compliance efforts of subrecipient;
- Eligibility standards and practices and treatment of beneficiaries of programs;
- Methods of publicizing programs/services to protected beneficiaries;
- Referrals to other recipients;
- Methods for handling complaints of discriminatory practices;
- Findings from investigations of complaints of discrimination;
- Interview of witnesses who possess relevant information and/or,
- Interviews of representatives of protected beneficiaries.

Corrective Action

If any of the Cabinet's Title VI Coordinators find a discriminatory practice, based on the provisions of Title VI, in a federally-funded program administered by a Cabinet department, the subrecipient will be provided a written notice of the discriminatory practice and will be directed to immediately take corrective action to eliminate or cease the practice. Individual state employees that have participated in the practice will receive written notice to immediately cease the discriminatory practice. Failure of an individual employee to eliminate or cease the discriminatory practice will result in appropriate disciplinary measures in accordance with the

Cabinet for Health Services
Title VI Implementation Plan

provisions of KRS Chapter 18A and the regulations promulgated pursuant thereto.

Subrecipients, including those that have entered into contracts with the Cabinet, that are found to have engaged in a discriminatory practice under the provision of Title VI will be given a written notice of the discriminatory practice and will be directed to eliminate or cease the discriminatory practice. Failure to voluntarily eliminate or cease the discriminatory practice within thirty (30) days of receipt of the notification letter will be considered a violation of the terms of the assistance or contract, and will constitute a basis for suspension or termination of the contract and/or refusal to grant or pay continued federally-funded financial assistance.

The Cabinet may suspend or terminate the contract and/or refuse to grant continued federally-funded financial assistance or payments after written notice to the subrecipient and an opportunity to be heard. If, after hearing, there is a finding on the record that the discriminatory practice occurred and compliance has not, or can not be, secured by voluntary means, the Secretary may enter an order suspending or terminating the contract and/or refusing to continue the grant or payments of financial assistance.

In the case of a finding that discrimination in violation of Title VI has occurred or is occurring, and voluntary compliance is obtained, the program or subrecipient will be reviewed within three (3) months of the survey, review or complaint that resulted in the finding to determine compliance with Title VI. A second follow-up review will be conducted within six (6) months of the initial follow-up.

IX. Agency training plan

In July of each year, Cabinet employees will receive a memorandum from the Secretary designed to advise employees of the obligations and rights under Title VI. The Commissioner of each Department is responsible for ensuring this memorandum is delivered to all department employees. This memorandum will apprise Cabinet employees of their responsibility to render the same level of services to all clients and beneficiaries of the Cabinet's programs regardless of race, color or national origin. The Cabinet's Human Resource Development Branch will supply new employees with a copy of the memorandum upon their effective date of employment with the Cabinet.

All Cabinet Title VI Coordinators will attend in-service training sessions related to compliance with Title VI.

This section shall be updated annually.

X. Evaluation procedures of Title VI Plan.

The Cabinet's Title VI Coordinator will ensure that the Cabinet and its subrecipients, including all future subrecipients, continue to be in compliance with Title VI by periodically gathering data and monitoring compliance activities in a timely manner.

The Cabinet will evaluate compliance with the plan and Title VI through the self-survey and review/investigation procedures set forth in Section VIII to ensure that all Cabinet programs are being conducted without discrimination on the basis of race, color or national origin. When any of these mechanisms identify discrimination, the corrective procedures set forth in Section VIII will be initiated to obtain compliance.

This section shall be updated annually.

XI. Public notice and outreach.

Subrecipients will be advised of their obligations under Title VI prior to the award of federal moneys. Copies of the Title VI brochure are available to subrecipients, as well as training, should there be a request.

The Cabinet's Title VI brochure is available to all employees and the general public at our Frankfort offices and all of the Cabinet's service delivery points.

XII. Recordkeeping and reporting.

Paper copies of all complaint documents, data reports, annual surveys, and annual updates to the Cabinet's Title VI Implementation Plan will be kept on file by the Cabinet Title VI Coordinator for at least five (5) years. Records on file over five (5) years will be forwarded to the Department for Library and Archives for storage as designated in the Cabinet's Record Retention Schedule.

Recordkeeping

At a minimum, the Cabinet will maintain sufficient records and reports to ascertain compliance with Title VI.

The Cabinet's Title VI Coordinator will be responsible for maintaining the following records:

- Complaints of discrimination based on the provisions of Title VI;
- Written reports of findings of investigations of complaints;
- Title VI Compliance Self-Surveys;
- Written reports of compliance reviews/investigations; and,

Cabinet for Health Services
Title VI Implementation Plan

- Copies of the annual Title compliance reports submitted to the State Auditor of Public Accounts and the KY Human Rights Commission.

These reports will be maintained at the address in Section VII. Names of witnesses or other sources of information obtained during a complaint investigation contained in any of these documents will not be disclosed to the public or any subrecipient except upon order of a court of competent jurisdiction.

Reporting

The Cabinet shall submit annual Title VI compliance reports and any implementation plan updates to the Auditor of Public Accounts and the KY Human Rights Commission by July 1 of each year.

The Cabinet will collect and maintain data in regard to subrecipients and consumers to determine the extent of participation in federally-funded programs by minorities. Each Title VI Coordinator will collect and maintain this data and submit copies of the data to the Cabinet Title VI Coordinator with the annual Title VI Compliance Self-Survey. The Cabinet Title VI Coordinator will analyze the data to determine the extent of participation by minorities in federally-funded Cabinet programs.

The Cabinet for Health Services, as of this reporting period, has not received any complaints nor have there been any reported instances of non-compliance in any activities conducted by the Cabinet's offices, departments or subrecipients.

This section shall be updated annually.

Cabinet for Health Services
Title VI Implementation Plan

XIII: Minority representation on planning boards or advisory bodies.

13a.	WHITE	BLACK	HISPANIC	ASIAN/PAC	AM. IN	OTHER
AIDS Policy Advisory Council (<i>Inactive</i>)						
Alzheimer's & Related Diseases Advisory Council	1					
Birth Surveillance Registry Advisory Committee	17					
Breast Cancer Advisory Committee	7	1				
CCSHCN Board	6	1				
Child Fatality Review Team	14	1				
Diabetes Advisory Committee	6	1				
Drug Management Review Advisory Committee	16					
Grade A Milk Advisory Committee	8					
Hemophilia Advisory Committee	7					
Institute for Aging	1					
Institutional Review Board	1	1				
KenPAC Advisory Subcommittee	8					1
KY Cancer Consortium (<i>Inactive</i>)						
KY Children's Health Insurance Program Advisory Council	6	1				
KY Developmental Disabilities Council	10	1				
KEIS Interagency Coordinating Council						
KY Emergency Medical Services Council	21					
KY Health Data Advisory Committee	16	1				
KY Medical Assistance Advisory Committee	17	2				
KY Spinal Cord & Head Injury Research Board	6					
Local Health Dept. Personnel Advisory Council	4	1				
Medical Assistance Technical Advisory Committees:						
Consumer Rights & Client Needs	5					
Dental Care	5					
Drugs	4	1				
Home Health Care	5					
Hospital Care	5					
Nursing Home Care	5					
Nursing Services	5	1				
Optometry	5					
Physicians Services	4	1				
Podiatry	5					
Primary Care	3	2				
Mental Health Services Planning Council	21	1				
MH Services to the Deaf & Hard of Hearing Advisory Council	15					
Milk for Manufacturing Advisory Committee	8					
Mobile Home/RV Park Advisory Committee	8	1				
Onsite Sewage Disposal Advisory Committee	2	2			1	
Public Health Services Advisory Council	17	2				
Quality Improvement Council for Partnerships	21	2			1	
Quality and Access Recipient Advisory Committee	18	1				
Sanitarian Examining Committee	4					
State Interagency Coordinating Council						
State Preventive Health Advisory Committee	10	1				
State Supported Living Council	10					
Substance Abuse, Pregnancy & Women of Childbearing Age Work Group	22	2				

Revised – July 1, 1999

- 12 -

Cabinet for Health Services
Title VI Implementation Plan

XIIIb. All segments of the citizenry are solicited for nominations to the Cabinet's boards, commissions and councils consistent with the mission of the group. The Office of Program Support monitors all appointments to these bodies and special emphasis continues to be placed upon recruiting minorities to fill terms.

XIIIc. Composition of Cabinet Staff is as follows:

	WHITE	BLACK	HISPANIC	ASIAN/PAC	AM. IN	OTHER
Office of the Secretary**	90	5	1	0	0	0
Office of the General Counsel						
Office of Program Support						
Office of Aging Services	30	1	0	0	0	0
Office of Inspector General	203	7	0	0	0	0
Department for Public Health	356	22	0	1	1	0
Department for Mental Health & Mental Retardation	1,757	363	4	13	2	3
Department for Medicaid Services	196	8	1	0	0	2
Office of Certificate of Need	7	0	0	0	0	0
Commission for Children with Special Health Care Needs	158	8	0	0	0	0

This section shall be updated annually.

**The office of the Secretary includes the Office of the General Counsel and the Office of Program Support.

Cabinet for Health Services

Title VI Coordinators

Cabinet Coordinator

Lori Hill
Office of Program Support
275 East Main Street, 4C-C
Frankfort KY 40621
502-564-2781

Office of Aging Services Coordinator

Pat Glaser
275 East Main Street
Frankfort KY 40621
502-564-6930

Office of the Inspector General Coordinator

Roger Smiley
275 East Main Street
Frankfort KY 40621
502-564-2888

Department for Medicaid Services Coordinator

Marcia Morganti
275 East Main Street, 6th Floor
Frankfort KY 40621
502-564-6930

Department for MH/MR Services Coordinator

Martin Anderson
100 Fair Oaks
Frankfort KY 40601
502-564-4527

Department for Public Health Coordinator

Pat Raleigh
275 East Main Street
Frankfort KY 40621
502-564-3970

Commission for CSHCN Coordinator

Judy Ingram
982 Eastern Parkway
Louisville KY 40207
502-595-3264

Cabinet for Health Services
Title VI Implementation Plan

VI. Programs and Activities Subject to Title VI

Program/Project Title	Description	Funding Agency	Con Service

Revised – September 14, 1999

VI. Programs and Activities Subject to Title VI***Commission for Children with Special Health Care Needs***

Program/Project Title	Description	Funding Agency	S
Title V Children with Special Health Care Needs Program	Provision of direct health care services including diagnosis, treatment, and care coordination for low-income children with qualifying conditions.	Maternal & Child Health Bureau, Title V Maternal and Child Block Grant	State satel
SSI/Disabled Children's Program	Provisions of rehabilitation services (not available under Medicaid) to SSI recipients children ages birth to four	Maternal & Child Health Bureau, Title V Maternal and Child Block Grant	SSI/I the c conti each regio centr
CHOICES	A joint project of the Commission and Shriner's Hospital for Children to assure collaboration and coordination of services for children eligible for both programs to reduce duplication of effort and assure access to family-centered, comprehensive, coordinated, community-based, and culturally competent care	Maternal & Child Health Bureau, Special Projects of Regional and National Significance Grant	State satel
Comprehensive Sickle Cell Program	Provision of outreach, comprehensive clinic services, and nursing case management to infants and children birth to 21 in an effort to reduce mortality and morbidity due to sickle cell disease	Maternal & Child Health Bureau	State satel

Cabinet for Health Services

The Prevention of Complications of Hemophilia through Hemophilia Treatment Centers	Provision of outreach, comprehensive care and case management to pediatric and adult patients with bleeding disorders in an effort to reduce the complications of hemophilia.	Centers for Disease Control and Prevention	State satel
Hemophilia & HIV Services	Provision of outreach, comprehensive care and case management to persons with Hemophilia and HIV disease in an effort to assure prompt medical treatment and prevention of HIV transmission	Maternal & Child Health Bureau	State satel

VI. Programs and Activities Subject to Title VI***Department for Medicaid Services***

Contract	Description	Funding Agency	Se
Unisys Corporation	Management of department's management information system		
Peer Review Systems, Inc.	Professional utilization review of acute care hospitals, long-term care providers and inpatient psychiatric facilities		
AdminisSTAR of KY, Inc.	Audit Services		
John D. Tarrant	Dental Consultant		
Gerald Ferretti	Pediatric dental consultant		
The Council on Quality and Leadership in Supports for People with Disabilities	AIS/MR/DD provider certification services		
Health Management Systems, Inc.	Third party liability recovery services		
Medicode, Inc.	Physicians' reimbursement system		
HealthCare Services, Inc.	Information phone line services		
PricewaterhouseCooper LLP	Managed care system actuary; auditing services for nursing facility and hospital cost reports		
Tucker Alan, Inc.	Payment rates/system - hospital services		
Myers & Stauffer, LC	Prescription dispensing study; rate setting for nursing facilities and hospitals		
ClaimTraq	Drug rebate		
University Health Care, Inc./Region 3 Partnership Council Inc.	Region 3 managed care		

Cabinet for Health Services

KY Health Select	Region 5 managed care		
Ked Fitzpatrick, Volinda Walters & Barbara Knox	Consulting services		
Deloitte & Touche	Auditing services for nursing facility cost reports		
Sapient	Medicaid fraud/recovery		
Kuvan & Dennis Public Relations	Public relations/advertising		
Tichenor & Associates	Auditing services for nursing facility cost reports		
Department of Worker's Claims	Worker's compensation claims data match		
KY Labor Cabinet	Labor cabinet data match		
KY Community and Technical Colleges System/Technical College Branch	Nurse aid training and testing		
UK Research Foundation	Pharmacy consultation; managed care; KCHIP Benefit Package		
UK Hospital	Disproportionate share hospital		
CFC, Dept for Community Based Services	Transfer and placement of Medicaid recipients in medical facilities; estate recovery; eligibility determination; fraud investigation; targeted case management		
KY Transportation Cabinet	Non-emergency transportation		
Department for Public Health	Preventive health services; share Medicaid drug utilization information; EPSDT services; targeted case management		

Cabinet for Health Services

Department for MH/MR Services	Preadmission screening resident review determinations; early intervention program; substance abuse treatment; staffing assessments; brain injury program		
Office of the Inspector General	Monitoring home- and community-based waiver services, peer review determination for nursing facilities; compliance with nurse aid training requirements; PASSARR compliance; ventilator care facilities; and the brain injury program; and auditing Medicaid providers		
Commission for Children with Special Health Care Needs	Handicapped Children's Services; targeted case management		
Office of Program Support, Administrative Hearings Branch	Administrative hearings		
Office of the Attorney General	Medicaid fraud control		

Cabinet for Health Services Complaint Under Title VI

Date: _____

To: *Title VI Coordinator*
Cabinet for Health Services

I, _____, hereby file an official complaint against
Complainant's Name

Name of Person or Agency
Located at _____, in _____,
Address of Person or Agency City
Kentucky.

Complainant's Full Name: _____
Complainant's Address: _____

Nature and basis of complaint including name address and phone number of all witnesses:

Additional written materials or other information that you think is relevant to your complaint may be attached to this form.

Date(s) of alleged discrimination: _____

Signed: _____ Date: _____

Shaded Area for Cabinet Use Only

Referred to _____ on _____ for investigation and review.
Department Coordinator Date

Title VI Coordinator
Cabinet for Health Services

Final disposition of complaint: _____

Appendix D

Cabinet for Health Services
Title VI Compliance Review/Complaint Investigation
Report of Finding

I, _____, representing _____
(Name/Title) (Department/Office)

have investigated the complaint filed on _____ by _____
(Date) (Name of Complainant)

alleging that discrimination occurred which was in violation of the provisions of Title VI of the Civil Rights Act of 1964.

The results are the investigation were as follows:

- ☐ The agency or person was found to be in violation of Title VI.

Briefly describe the remedial action taken to assure future compliance: _____

- ☐ The agency or person was not found to be in violation of Title VI.
- ☐ The complainant withdrew the complaint.
- ☐ *Insufficient evidence exists to make a determination whether a violation of Title VI occurred.*

A copy of the investigation report is attached.

Signature

Date

354

To: Title VI Coordinator
Cabinet for Health Services

Complainant's Name: _____

Reason for Withdrawal: _____

Signature _____

Cabinet for Health Services Title VI Self-Survey

1. Date of Survey: _____
2. Type of Survey: Initial _____ Annual _____ Other _____
3. Name of Cabinet/Department: _____
 Street Address: _____
 City, State, Zip Code: _____
4. Name of Administrative Head: _____
 Title: _____
5. Name of Title VI Coordinator: _____
 Title: _____
6. Advisory Councils/Boards: (attached additional pages as necessary)
 - 6.1 What are the racial compositions of the councils/boards administratively attached to your Cabinet/Department?
 - 6.2 How are the members selected?
 - 6.3 What is the length of term members serve on the Advisory Council/Board?
 - 6.4 If no minority persons are on the Advisory Council/Board and they represent at least 5% of the population in the geographic service area, what steps will be taken to obtain minority representation on the Advisory Council Board?
7. Does your Cabinet/Department have a written policy stating that services will be provided to all persons without regard to race, color, or national origin?
 Yes _____ No _____
8. Are permanent records kept of all Title VI Complaints?
 Yes _____ No _____
9. If applicable, briefly describe below any complaints received in this reporting period. (Attach additional pages as needed.)

Name of Complainant	Race	Charge	Findings

Cabinet for Health Services Title VI Self-Survey

10. Is Title VI information disseminated to your employees and your clients/applicants?

Yes _____ No _____

If yes, describe how employees are informed: _____

Describe how clients/applicants are informed: _____

11. Are you confident that applicants and clients are clearly aware of their rights under Title VI, including the right to file a complaint?

Yes _____ No _____

12. Are new employees clearly informed about their specific responsibilities to clients under Title VI?

Yes _____ No _____

13. Are staff members periodically re-oriented or refreshed on information detailing their Title VI responsibilities?

Yes _____ No _____

If yes, explain the process: _____

14. Do all federally-funded contracts contain a Title VI statement of compliance?

Yes _____ No _____

If yes, attach a copy of the Title VI statement included in such contracts.

15. Are you confident that each of your subcontracts or vendors, if any, are clearly aware of the Cabinet's commitment to Title VI requirements?

Name and address of person completing survey:

Additional comments/exhibits
related to compliance with the
provision of Title VI may be
attached.

Cabinet for Health Services Title VI Self-Survey

1. Date of Survey: 6/30/99
2. Type of Survey: Initial _____ Annual X Other _____
3. Name of Cabinet/Department: DEPARTMENT FOR MENTAL HEALTH/MENTAL RETARDATION SERVICES
 Street Address: 100 Fair Oaks Lane, 4th Floor
 City, State, Zip Code: Frankfort, KY 40601-0021
4. Name of Administrative Head: Margaret A. Pennington
 Title: Commissioner
5. Name of Title VI Coordinator: to be named
 Title: _____
6. Advisory Councils/Boards: (attached additional pages as necessary)
 - 6.1 What are the racial compositions of the councils/boards administratively attached to your Cabinet/Department? Please see Section XIII
 - 6.2 How are the members selected? Varies appointments, volunteers, selection
 - 6.3 What is the length of term members serve on the Advisory Council/Board? Varies
 - 6.4 If no minority persons are on the Advisory Council/Board and they represent at least 5% of the population in the geographic service area, what steps will be taken to obtain minority representation on the Advisory Council Board? to be evaluated
7. Does your Cabinet/Department have a written policy stating that services will be provided to all persons without regard to race, color, or national origin?
 Yes X No _____
8. Are permanent records kept of all Title VI Complaints?
 Yes X No _____
9. If applicable, briefly describe below any complaints received in this reporting period. (Attach additional pages as needed.) N/A

Name of Complainant	Race	Charge	Findings

Health Services Title VI Self-Survey

10. Is Title VI information disseminated to your employees and your clients/applicants?

Yes X No

If yes, describe how employees are informed: through written information,

Meetings and training sessions

Describe how clients/applicants are informed: through interviews and written
information

11. Are you confident that applicants and clients are clearly aware of their rights under Title VI, including the right to file a complaint?

Yes X No

12. Are new employees clearly informed about their specific responsibilities to clients under Title VI?

Yes No X - New plan will be implemented during 1999

13. Are staff members periodically re-oriented or refreshed on information detailing their Title VI responsibilities?

Yes X No

If yes, explain the process: _____

14. Do all federally-funded contracts contain a Title VI statement of compliance?

Yes X No

If yes, attach a copy of the Title VI statement included in such contracts. Yes

15. Are you confident that each of your subcontracts or vendors, if any, are clearly aware of the Cabinet's commitment to Title VI requirements?

Name and address of person completing survey:

Melinda Hansen on behalf of

Margaret A. Pennington

Additional comments/exhibits related to compliance with the provision of Title VI may be attached.

Cabinet for Health Services Title VI Self-Survey

1. Date of Survey: 6-28-99
2. Type of Survey: Initial _____ Annual X Other _____
3. Name of Cabinet/Department: _____
 Street Address: 275 East Main
 City, State, Zip Code: Frankfort, KY 40621
4. Name of Administrative Head: Rice Leach, M.D.
 Title: Commissioner
5. Name of Title VI Coordinator: James Lambert (Acting)
 Title: Personnel Admin.
6. Advisory Councils/Boards: (attached additional pages as necessary)
 - 6.1 What are the racial compositions of the councils/boards administratively attached to your Cabinet/Department?
 - 6.2 How are the members selected?
 - 6.3 What is the length of term members serve on the Advisory Council/Board?
 - 6.4 If no minority persons are on the Advisory Council/Board and they represent at least 5% of the population in the geographic service area, what steps will be taken to obtain minority representation on the Advisory Council Board?
7. Does your Cabinet/Department have a written policy stating that services will be provided to all persons without regard to race, color, or national origin?
 Yes X No _____
8. Are permanent records kept of all Title VI Complaints?
 Yes X No _____
9. If applicable, briefly describe below any complaints received in this reporting period. (Attach additional pages as needed.)

Name of Complainant	Race	Charge	Findings

TITLE VI SELF SURVEY

6.1 What are the racial compositions of the councils/boards administratively attached to your Cabinet/Department?

See Attachment XIII: Minority representation on planning boards or advisory bodies.

6.2 How are its members selected?

Comply with statutes that require representation from certain constituencies and/or geographic areas. Solicit Divisions for names of nominees.

6.3 What is the length of term members serve on the Advisory Council/Board?

Members serve length of term identified in statute.

6.4 If no minority persons are on the Advisory Council/Board and they represent at least 5% of the population in the geographic service area, what steps will be taken to obtain minority representation on the Advisory council/Board?

Minority members representative of the population have been identified without problem.

Cabinet for Health Services Title VI Self-Survey

10. Is Title VI information disseminated to your employees and your clients/applicants?

Yes X No

If yes, describe how employees are informed: _____

Employees are informed via orientation and employee handbook _____

Describe how clients/applicants are informed: Applicants and _____

Clients are informed via statement on application form _____

11. Are you confident that applicants and clients are clearly aware of their rights under Title VI, including the right to file a complaint?

Yes X No

12. Are new employees clearly informed about their specific responsibilities to clients under Title VI?

Yes X No

13. Are staff members periodically re-oriented or refreshed on information detailing their Title VI responsibilities?

Yes X No

If yes, explain the process: Information is distributed through liaisons to _____

Employees. _____

14. Do all federally-funded contracts contain a Title VI statement of compliance?

Yes No All program Admin. Contracts contain a Title VI statement of compliance (Copy attached)

If yes, attach a copy of the Title VI statement included in such contracts.

15. Are you confident that each of your subcontracts or vendors, if any, are clearly aware of the Cabinet's commitment to Title VI requirements? Yes

Name and address of person completing survey:

James Lambert, Pers. Admin. _____

2nd Floor, Health Services Bldg. _____

Additional comments/exhibits related to compliance with the provision of Title VI may be attached.

Cabinet for Health Services
Title VI Self-Survey

1. Date of Survey: 6/28/99

2. Type of Survey: Initial X Annual _____ Other _____

3. Name of Cabinet/Department: Cabinet for Health Services
Commission for Children with Special Health Care Needs
982 Eastern Parkway
Louisville KY 40217

4. Name of Administrative Head: Ann Marks, Executive Director
(502) 595-4459 ext.259

5. Name of Title VI Coordinator: Patty Stinson, Social Worker
(502) 595-4459 ext. 259

6. Advisory Councils/Boards:

6.1. What are the racial compositions of the councils/boards administratively attached to your Cabinet/Department?

The Commission's Board of Commission (7 positions) currently has 1 of 7 members who is African American.

The Commission's Hemophilia Advisory Committee (9 positions) currently has minority members. However, 2 positions on the Committee are pending appointments; and, the recommendations that have been submitted for these positions include minority representatives.

6.2. How are the members selected?

The Governor appoints members of both the board of Commissioners and the Hemophilia Advisory Council.

6.3. What is the length of term members serve on the Advisory Council/Board? 4 years

6.4. If no minority persons are on the Advisory Council/Board and they represent at least 5% of the population in the geographic service area, what steps will be taken to obtain minority representation on the Advisory Council/Board? The chairs of the Board of Commissioners or Hemophilia Advisory Committee and the Executive Director of the Commission will take actions to seek recommendations of candidates from among minority populations and will assure that each of these entities include, as a minimum, at least one member of a minority group.

7. Does your Cabinet/Department have a written policy stating that services will be provided to all persons without regard to race, color, or national origin?

Yes X No _____

8. Are permanent records kept of all Title VI Complaints?

Yes X No _____

9. If applicable, briefly describe below any complaints received in this reporting period.

None received .

Name of Complainant	Race	Charge	Findings

Cabinet for Health Services
Title VI Self-Survey

10. Is Title VI information disseminated to your employees and your clients/applicants?Yes ☒ No ☐

If yes, describe how employees are informed: New employees are informed the of agency and Cabinet policies regarding Title VI at orientation.

Describe bow clients/applicants are informed: The agency brochure provided to applicants contains is a statement regarding the assurance of the client's civil rights and the agency's non-discrimination policy. Patient rights are posted in clinics and patients are provided assistance in the event they wish to file a complaint or grievance.

11. Are you confident that applicants and clients are clearly aware of their rights under Title VI, including the right to file a complaint?Yes ☒ No ☐**12. Are new employees clearly informed about their specific responsibilities to clients under Title VI, including the right to file a complaint?**Yes ☒ No ☐**13. Are staff members periodically re-oriented or refreshed on information detailing their Title VI responsibilities?**Yes ☒ No ☐

If yes, explain the process: Both the agency Title VI Coordinator and Personnel Officer routinely disseminate any relative Title VI information via e-mail and/or distribution of copies of memos, etc.

14. Do all federally-funded contracts contain a Title VI statement of compliance?Yes ☒ No ☐

If yes, attach a copy of the Title VI statement included in such contracts.

The Commission contracts contain the following statement: "The Provider: Agrees to comply with the civil rights requirements set forth in 45 CFR PARTS 80, 84,90. (The Cabinet for Health Services shall make no payment to Providers of service who discriminate on the basis of race color, national origin, sex, disability religion, or age in the provision of services.)".

15. Are you confident that each of your subcontracts or vendors, if any, are clearly aware of the Cabinet's commitment to Title VI requirements?

No, to my knowledge and that of agency staff who work with contracts, there have been no reports of Title VI complaints or questions relative to any of our subcontractors or vendor providers. I don't think the question has been tested as to whether or not these subcontractors or vendors realize the Cabinet's commitment to Title VI requirements.

Name and address of person completing the survey:

Beverly R. Hampton
Executive Staff Advisor
Commission for Children with Special Health Care Needs
982 Eastern Parkway
Louisville KY 40217

DEPARTMENT FOR MEDICAID SERVICES

I. Purpose:

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d)) states as follows:

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The mission of the Department for Medicaid Services is to fully comply with Title VI for all federally assisted programs.

II. Scope:

This mission applies to all divisions within the Kentucky Department for Medicaid Services. The Department will not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin:

deny any individual any services, opportunity, or benefit, for which he/she is otherwise qualified;

provide any individual with any services, or other benefit, which is different or is provided in a manner different from that which is provided to others;

subject any individual to segregated or separate treatment in any manner related to his/her receipt of service;

restrict an individual in any way in the enjoyment of services, facilities, or any other advantage, privilege or other benefit provided to others;

adopt methods of administration which would limit participation by any group of recipients or subject them to discrimination; or address an individual in a manner that denotes inferiority because of race, color, or national origin.

III. Responsible Official:

The Secretary of the Cabinet has overall responsibility for overseeing the implementation of Title VI within the agency. The Office of Program Support provides general oversight for all Civil Rights areas.

IV. Statement of Assurances:

The Department for Medicaid Services receives 70.14% federal dollars from Title XIX of the Social Security Act.

The Department for Medicaid Services requires a statement of compliance with the Civil Rights Act of 1964 from all contracting agents before entering into the contract. Below are listed major contracts awarded by the Department.

V. The effective date of this plan shall be January 2000.

VI. Program or activities subject to Title VI.

Department for Medicaid Services

Section A - Price Contracts:

1. Operation of the Medicaid Management Information System (MMIS) - UNISYS Corporation
2. Professional Utilization Review of Acute Care Hospitals, Long Term Care Providers and Inpatient Psychiatric Facilities –
Peer Review Systems, Inc.

Section B - PERSONAL SERVICE CONTRACTS

1. Audit Services - AdminaStar of Kentucky, Inc.
2. Dental Consultant - John D. Tarrant
3. Pediatric Dental Consultant - Gerald A. Ferretti
4. AIS/MR/DD Provider Certification Services - The Council on
Quality and Leadership in Supports for People with
Disabilities
5. Third Party Liability Recovery Services - Health Management
Systems, Inc.
6. Physicians' Reimbursement System - Medicode, Inc.
7. Medicaid Information Phone Line - United HealthCare Services, Inc.
8. Managed Care System Medicaid Program – Actuary –
Pricewaterhouse Cooper LLP
9. Payment Rates – Hospital Services – Tucker Alan, Inc
10. Payment System - Hospitals -- Tucker Alan, Inc.
11. Prescription Dispensing Study - Myers and Stauffer LC
12. Drug Rebate - ClaimTraQ
13. Managed Care - Region 3 -- University Health Care Inc.
Region 3 Partnership Council, Inc.
14. Managed Care - Region 5 -- Region 5 Managed Care
Organization, LLC
15. Employee Consultant - Ked Fitzpatrick
16. Employee Consultant - Volinda Walters
17. Employee Consultant - Barbara Knox
18. Rate Setting Nursing Facility and Hospitals - Myers &
Stauffer
19. Auditing Services - Nursing Facilities and Hospital Cost
Reports - Pricewaterhouse Coopers LLP

20. Auditing Services - Nursing Facilities Cost Reports – Pricewaterhouse Coopers LLP
21. Auditing Services - Nursing Facilities Cost Reports - Deloitte & Touche
22. Auditing Services - Nursing Facilities and Hospital Cost Reports - Tichenor & Associates
23. Medicaid Fraud/Recovery - Sapient
24. Reimbursement Systems Hospitals - Tucker Alan Inc.
25. Public Relations/Advertising - Kuvlin & Dennis Public Relations

Section C - PROGRAM ADMINISTRATION CONTRACTS

1. Worker's Compensation Claims Data Match - Department of Worker's Claims
2. Labor Cabinet Data Match - Kentucky Labor Cabinet
3. Nurse Aide Training and Testing - Kentucky Community and Technical Colleges Systems/Technical College Branch
4. Pharmacy Consultation - University of Kentucky Research Foundation
5. DISH - University of Kentucky Hospital (UK)
6. Medicaid Eligibility Determination
7. Transfer and Placement of Medicaid Recipients in Medical Facilities - Cabinet for Families and Children, Department for Community Based Services
8. Estate Recovery - Cabinet for Families and Children, Department for Community Based Services
9. Managed Care - University of Kentucky Research Foundation
10. Managed Care - University of Kentucky Research Foundation
11. Behavioral Health Education - Office of Ombudsman, Cabinet for Families and Children
12. Non Emergency Transportation -Kentucky Transportation Cabinet, Department of Highways
13. Fraud Investigations - Cabinet for Families and Children
14. KCHIP Benefit Package - University of KY Research Foundation

Section D - INTERAGENCY AGREEMENTS

1. Preventive Health Services - Department for Public Health
2. Preadmission Screening Resident Review Determinations -Department for Mental Health/Mental Retardation Services (DMH/MR)
3. Monitoring Home and Community -Based Waiver Services - Office of Inspector General (OIG)
4. Nursing Facility - Peer Review Organization Determinations Monitoring - Office of Inspector General (OIG)
5. Nursing Facilities - Monitoring Nurse Aide Training Compliance - Office of the Inspector General (OIG)

6. Nursing Facilities - Monitoring PASARR Compliance - Office of Inspector General (OIG)
7. Monitoring Brain Injury Program - Office of the Inspector General (OIG)
8. Handicapped Children Services - Commission for Children with Special Health Care Needs
9. Medicaid Drug Utilization Information Sharing - Department for Health Services (DHS)
10. Administrative Hearings - Office of Personnel and Budget
11. Audit Medicaid Providers - OIG -- Office of Inspector General
12. Ventilator Care Facility Monitoring - OIG - Office of Inspector General
13. Supports for Community Living Service - Department for Mental Health/Mental Retardation Services (DMH/MR)
14. Early Intervention Program - Department for Public Health and Department for Mental Health/Mental Retardation Services (DMH/MR)
15. Civil Money Penalties - Office of Inspector General(OIG)
16. EPSDT - Department for Public Health
17. Target Case Management - DMS, DPH, Cabinet for Families and Children, Department for Community Based Services (DCBS)
18. Substance Abuse Treatment - Department for Mental Health and Mental Retardation Services (DMH/MR)
19. Staff Assessments - Department for Mental Health and Mental Retardation Services (DMH/MR)
20. Brain Injury - Department for Mental Health and Mental Retardation Services (DMH/MR)

Section E - Memorandum of Understanding

1. Local Education Agencies - Kentucky Department of Education
2. Medicaid Fraud Control - Office of the Attorney General

As contracted agents for the Department for Medicaid Services these contractors are responsible for the grievance process as it applies to their specific contracts. All vendors used by the Department are required to certify compliance with the Civil Rights Act.

VII. Complaint Procedure/System - The Department for Medicaid Services contracts with the Department for Social Insurance, Division for Field Services for the operation of a system for determining the eligibility of Medicaid applicants throughout Kentucky. The complaint procedure is included as a part of this process. Each applicant is advised of their civil rights including their right for a hearing on alleged discrimination at application by giving them the pamphlet, "Civil Rights".

VIII. Compliance/Noncompliance - No Change

IX. Training- Title VI Coordinator will attend in -service training sessions related to compliance with Title VI. The Governor's Annual EEO/Affirmative Action Conference is offered to management, personnel and EEO staff as a further source of training.

Section X. **Evaluation procedures-** No changes in the evaluation procedures.

Section XI. **Public Notification/Outreach -** (See Section VII)

Section XII. **Record keeping and reporting -** Provided through contract with the Department for Social Insurance, Division of Field Services.

Section XIII. **Minority representation on advisory boards -**

<u>Board</u>	<u>#Black</u>	<u>#White</u>
Advisory Council for Medical Assistance:	2	17
Technical Advisory Committees:		
Consumer Rights & Client Needs -	0	5
Dental -	0	5
Home Health -	1	4
Hospital Care -	0	5
Nursing Home Care	0	5
Nursing Services	1	5
Optometric Care	0	5
Drugs -	0	5
Physician Services	1	4
Podiatric Care -	0	5
Primary Care -	2	3

Department for Medicaid Services Staff Composition:

White	179
Black	9
Hispanic	2
Asian/Pac	0
Amer.Ind.	0
Other	3

Cabinet for Health Services

Title VI Self -Survey

1. Date of Survey: July 1, 1999

2. Type of Survey: Annual X

3. Name of Cabinet /Department: Department for Medicaid Services

4. Name of Administrative Head: Dennis Boyd, Commissioner

5. Name of Title VI Coordinator: Arlene Johnson, Proc. Development Coordinator

6. Advisory Council/Boards: (see attached)

6.1 What are the racial compositions of the Councils/Boards administratively attached to your Cabinet/Department? (see attached)

6.2 How are the members selected? (see attached)

6.3 What is the length of term members serve on the Advisory Council/Board?

6.4 If no minority persons are on the Advisory Council/Board and they represent at least 5% of the population in the geographic service area, what steps will be taken to obtain minority representation on the Advisory Council/Board?

7. Does your Cabinet/Department have a written policy stating that services will be provided to all persons without regard to race, color, or national origin? (YES)

8. Are permanent records kept of all Title VI Complaints? (YES)

If applicable, briefly describe below any complaints received in this reporting period. (NONE KNOWN)

8. Is Title VI information disseminated to your employees and your clients/applicants? Yes - Department for Medicaid Services contracts with the Department for Field Services (see #VI I)

9. Are you confident that applicants and clients are clearly aware of their rights under Title VI, including the right to file a complaint? Yes

10. Are new employees clearly informed about their specific responsibilities to clients under title VI? NO, but they will be in accordance with the new Title VI Cabinet policy.

11. Are staff members periodically re-oriented or refreshed on information detailing the Title VI responsibilities? Again NO! But according to the new Title Cabinet policy employees will be given updates periodically.

12. Do all federally-funded contracts contain a Title statement of compliance? Yes

13. Are you confident that each of your subcontracts or vendors, if any, are clearly aware of the Cabinet's commitment to Title VI requirements? Yes

Arlene Johnson Division of Member and Provider Services
Department for Medicaid Services
275 East Main Street, 6 E-B
Frankfort, KY 40621

Medicaid Services

Drug Management Review Advisory Board

Authority:	KRS 205.5636	Appointed By:	Secretary	2 year terms
Composition:	14 White		2 vacant positions	

KCHIP Advisory Council

Authority:	KRS 205.6491	Appointed By:	Governor	2 year terms
Composition:	1 Black 6 White			

KenPAC Advisory Subcommittee

Authority:	HR 86-33	Appointed By:	Commissioner	2 year terms
Composition:	8 White 1 Other			

Managed Care Quality & Access Recipient Advisory Committee

Authority:	907 KAR 1:705	Appointed By:	Secretary	2 year terms
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KY Medical Assistance Advisory Council

Authority:	KRS 205.540	Appointed By:	Governor	4 year terms
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Technical Assistance Committees TAC

Authority:	KRS 205-590	Appointed By:	Assn.	Association decides Terms
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Composition

	White	Black	Other
Consumer Rights & Client Needs TAC	5	0	0
Dental Care TAC	5	0	0
Drugs TAC	5	0	0
Home Health Care TAC	4	1	0
Hospital Care TAC	5	0	0
Nursing Home Care TAC	5	0	0
Nursing Service TAC	4	1	0
Optometric TAC	5	0	0
Physicians Services TAC	4	0	1
Podiatric TAC	5	0	0
Primary Care TAC	3	2	0

Quality Improvement Council for Health Care Partnership Program

Authority: 907 KAR 1:705

Appointed By: Secretary

Composition- 2 Disabled

21

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Guidelines for Conducting Title VI Compliance Reviews/Complaint Investigations

Complaint and routine compliance reviews have many features in common. The following guidelines outline the steps necessary to conduct a thorough field investigation. Some of the steps may or may not be relevant depending on the type of investigations being conducted.

I. Compliance Reviews of Subrecipients should cover at a minimum:

- A. **Files and Records Examination.** Examine files and records for content, form and length of time retained.
- B. **Interviews.** As appropriate, conduct interviews with beneficiaries, potential beneficiaries, and denied applicants. In addition, develop contacts with local minority and/or grassroots organizations to determine the community's view of the subrecipient.
- C. **Employment Conditions.** Determine through interview and personal observation whether the racial/ethnic composition of the staff is adversely affecting minority participation. Obtain data on the racial composition of the work force and incorporate the information into the review report.
- D. **Public Notification.** Determine if public notification efforts are adequate. Determine if public notification efforts are effective in increasing program participation.
- E. **Complaints.** Determine if procedures used by the subrecipient in handling complaints are consistent with the procedures outlined in the Cabinet's compliance manual.
- F. **Collection of Data.** Determine the level of minority participation and compare it to the number of potentially eligible participants by racial/ethnic category. Determine the reason for any inconsistency.
- G. **Equal Access of Physical Facilities.** Observe whether all facilities are made available and used on a nondiscriminatory basis.
- H. **Location.** Determine whether or not the location of the subrecipient unnecessarily denies access to any persons on the basis of prohibited discrimination.
- I. **Lawsuits.** Determine whether there are any lawsuits alleging discrimination on the basis of race, color, or national origin filed against the subrecipient.
- J. **Other Federal Assistance.** Ascertain whether the subrecipient is receiving assistance from other federal agencies. If so, determine the purpose of the assistance. If not, determine whether the subrecipient has applied but found in noncompliance. If the subrecipient was found in noncompliance, document it in the report.

**Guidelines for Conducting Title VI
Compliance Reviews/Complaint Investigations**

- K. Civil Rights Compliance Reviews. Determine whether any civil rights compliance reviews have been conducted on the subrecipient in the last two (2) years. If so, review the findings and corrective actions taken.
- II. Compliance Review Selection Criteria. The following are suggested criteria that establish the need for a review.
 - A. Data analysis that indicates the agency *may not be in compliance* with Title VI.
 - B. Discrimination complains against an agency or its staff.
 - C. Subrecipients receiving federal assistance under other programs that are found in noncompliance by other agencies.
 - D. Insufficient or inadequate information from an agency report to support a determination of Title VI compliance.
 - E. Racial/ethnic disparities.
 - F. A racial/ethnic-staffing pattern, which may indicate inadequate numbers of bilingual employees for the population of the area, served.
 - G. Findings from previous reviews.
 - H. Previously unreviewed agencies.
 - I. New agencies
- III. Organization and Conduct of the Review.
 - A. Compliance Review Preparation and Planning.

When a decision is made to review a particular agency for compliance, the reviewer begins the preliminary preparation. Such preparation may include:

 - 1. Coordination with other government agencies which may have parallel Title VI responsibilities. To ensure proper coordination and consideration of Title VI reevaluations performed by other governmental agencies, it shall not be necessary to perform a compliance evaluation if another government agency has completed such an evaluation within the past twelve (12) months. In such instances, proper documentation of the previous compliance review should be obtained and maintained in project files.

**Guidelines for Conducting Title VI
Compliance Reviews/Complaint Investigations**

2. A review of files to determine program applicant or subrecipient background information including the number of employees and participants and their racial/ethnic composition, nature of services provided, previous review results, data on service area economy, population, percent of minorities in the service area, and minority or grassroots organization in the area, if any.
 3. A review of compliance status in subrecipient's other federally assisted programs.
 4. Information or profiles from such agencies as the U.S. Commission on Civil Rights, EEOC, Community Services Administration, Office of Federal Contract Compliance, and from local civil rights organizations.
- B. Scope of Compliance Review.
- The scope of the review will be influenced by whether the review is routine or special in nature. Once the scope of the review has been determined, the reviewer should determine if an announced or unannounced review will be conducted. If an unannounced review is conducted, state the reason for the unannounced visit in the review report. In announced reviews, the reviewer sends a letter to the subrecipient advising that a review is scheduled and arranges for further coordination.
- C. Conduct of the Reviewers.
- Compliance reviewers are representatives of their department and the state. Reviewers should conduct themselves in a courteous and professional manner. It is the reviewer's responsibility to:
1. Inform the subrecipient reviewed of the purpose and scope of the review, and of planned contacts outside the subrecipient's premises; take any other actions that will generate trust and rapport; set a constructive tone and explain that the main purpose of the review is to determine compliance with Title VI;
 2. Be objective and impartial during the conduct of the investigation;
 3. Be courteous, empathetic, and informed. Do not get into arguments;
 4. Be positive and honest when answering questions. Avoid trying to intimidate or coerce the subrecipient;
 5. Be thorough in the collection and presentation of evidence and maintain working papers in a manner that accurately records the who, what, when, where, why and how, of the matter;
 6. Be sensitive to efforts to discredit the reviewer or the review;

**Guidelines for Conducting Title VI
Compliance Reviews/Complaint Investigations**

7. Never discuss findings except with those responsible for the recipient's operation. Note the discussions of findings in the review report; and
 8. Discuss the deficiencies and recommendations during the exit interview with the subrecipient from a prepared statement. The subrecipient's comments during the exit interview should be included in the review report.
- D. Records must be examined during a compliance review. These may include, but are not limited to:
1. Administrative records. Examine the recipient's files to determine if copies of assurances, public notification plan, press releases, letters, training materials, etc., are available at the location.
 2. Data Collection Records. Examine the data collection records available at the site.
 3. Monitoring Records. Examine the files of the subrecipient and determine if they have adequate documentation for monitoring secondary subrecipient. At a minimum, such records should include an assurance, records related to compliance reviews (if subrecipient has its own subrecipients), findings and corrective actions taken, participation data and other record keeping data, civil rights guideline or directives, and documents regarding public notification.
 4. Program Benefit Records. Examine the program participation, eligibles, etc., indicating disparity of participation that can be identified along racial or ethnic lines.
 5. Board minutes. Where subrecipient's policies and actions are determined by a board or governing body, the minutes of such body should be reviewed and copies of relevant sections made and marked.
 6. Policy v. Practice. Investigators should inquire as to the official policy of the subrecipient and a copy should be obtained for the final report. The investigators also should request written or oral explanation of the subrecipient's practice in all aspects of its programs which are subject to the investigation.

Make copies of relevant records for the working papers. Note date received, custodian of the records, name of the investigator, and, if part of a larger document, the title of the document.

Guidelines for Conducting Title VI Compliance Reviews/Complaint Investigations

To identify civil rights problem areas, a particular person or group of persons must have been treated in an identifiably different manner from person or groups not of the same race, color, or national origin. Statistical (participation, time between application and receipt of benefits, etc.) samples based on race or ethnic background may be compared to determine whether the averages show disparity of treatment. Items which may be compared include the amount and quality of benefits, timeliness, incidence of denials, or pending cases. This is not a comprehensive list.

E. Interviews.

Interviews are an important part of compliance reviews and should be conducted in person *after review of available records*. If telephone interviews are used, they should be followed by a personal interview, if possible.

1. Persons to be interviewed. Identify witnesses and carefully select the people to be interviewed, taking into consideration the following;
 - a. What information is desired and who is most likely to have that information?
 - b. Compliance reviews should reflect the views of the subrecipient, the public, program eligibles, beneficiaries, applicant and those denied benefits or services. Also, they should include views of assistance and advocacy organizations, as well as, other government entities that normally have knowledge of the community and the recipient's operation.
2. Identify needed information. Prepare questions in advance to secure needed information.
3. Ensure adequacy of information. Note the identity, address, relationship to program, or category of each person interviewed. If allegations of discrimination are made, obtain names, phone numbers and addresses of witnesses if possible. Note opinions, general impressions, and reactions, but identify them as such.
4. Conduct of interview. The following are suggestions for conducting an interview with a complainant, subrecipient employee, or other relevant person.
 - a. Show official identification and explain the purpose of the review;
 - b. Note the identity, phone number and address of the interviewee;

**Guidelines for Conducting Title VI
Compliance Reviews/Complaint Investigations**

- c. Conduct the interview in private. Do not promise confidentiality but state that information will be shared only on need-to-know basis to perform the investigation. Anything said should be for the record, but information provided can be noted without attributing it to the interviewee;
 - d. Seek clarification, confirmation, and supportive facts and data if the interviewee makes any statements that imply noncompliance on the part of the subrecipient;
 - e. Ask the interviewee for an overall opinion or impression of the subrecipient's operations, treatment of beneficiaries, and assessment of affording equal opportunity;
 - f. Ask if the interviewee knows of any person who has a civil rights complaint against the subrecipient and obtain information that will permit contacting such person;
 - g. Do not volunteer information. Give the interviewee the opportunity to provide any information or observations regarding possible noncompliance; and
 - h. Provide the interviewee with an address and phone number prior to leaving in case additional information comes to mind after the interview.
- F. Working Papers. Report conclusions and recommendations should be substantiated by evidence that is clearly reflected in the working papers. Working papers should be kept for at least three years after the case is closed. The following guidelines will be useful in the preparation of working papers:
- 1. Completeness and Accuracy. Working papers should be complete and accurate to provide support for finding, conclusions, and recommendations and to enable demonstration of the nature and scope of the work.
 - 2. Clarity and Understandability. Working papers should be clear and understandable without supplemental explanations. The information contained in them should be clear, complete, and concise. Anyone should be able to determine their purpose, the nature of the work done, and the reviewer's conclusions.
 - 3. Legibility and Neatness. Working papers should be neat and legible to ensure their worth as evidence.
 - 4. Relevance. The information contained in the working papers should be

**Guidelines for Conducting Title VI
Compliance Reviews/Complaint Investigations**

restricted to matters that are important, pertinent, and useful to the objectives established for the review.

6. **Substantive Proof.** Evidence should be sufficient to reflect the essential elements of a finding, prove possible violations exist, or reflect probable noncompliance. Proof should include the identity of the persons or entities responsible, the corrective action taken by the subrecipient, the responsiveness in correcting deficiencies, the recipient's general attitude toward compliance, or any other information necessary to substantiate the findings.
- G. **Closing Conference.** Arrange for a closing conference with the subrecipient. The conference should be conducted in a positive and constructive manner. The following steps are suggested for the conduct of the conference:
1. State the scope and purpose of the review. State how the review was conducted, how many interviews were conducted, what records were examined, etc.
 2. State the authority for the review.
 3. If a routine review, state how the subrecipient was selected.
 4. Read findings to the subrecipient. Clearly state that findings may be further evaluated. As a result, some findings may be disregarded.
 5. Allow the subrecipient to comment or produce evidence refuting the findings. Note the comments or explanation and accept for the record any documentation provided. The rebuttal should be reviewed and reconciled with conflicting evidence.
 6. Explain that findings are subject to further review prior to the final report, and that disagreements can be aired and negotiated at a later date.
 7. Offer to accept any written documentation or rebuttal within a certain time frame, and state that such written comments will be appended to the report.
 8. Ask subrecipient if there are any other questions.
- H. **Compliance Review Reports.**
1. Be concise, clear and comprehensive so that the users understand the report.

**Guidelines for Conducting Title VI
Compliance Reviews/Complaint Investigations**

2. Present findings and conclusions objectively, clearly, and simply.
 3. Include only factual information that can be supported by the documentation in the working papers.
 4. Place emphasis on improvement rather than on criticism of the past.
 5. Identify and explain issues and questions needing further study or consideration.
 6. Clearly explain the scope and objectives of the review.
- I. Compliance Review Report Format. The compliance review report format should include the following:
1. Summary
 2. Background information
 3. General information
 4. Persons interviewed
 5. Records reviewed
 6. Staffing patterns
 7. Analysis
 8. Recommendations

KRS 344.015 Implementation plans for Federal Civil Rights Act, Title VI by state agencies.

- (1) As used in this section, "state agency" means any department or administrative body of state government, as defined in KRS 12.010, that is subject to the requirements of Title VI of the Federal Civil Rights Act of 1964, 42 U.S.C. secs. 2000d et seq., and regulations promulgated thereunder.
- (2) Each state agency shall:
 - (a) Develop a Title VI implementation plan by January 1, 1995. If required by Title VI or regulations promulgated thereunder, the implementation plan shall:
 1. Be developed with the participation of protected beneficiaries; and
 2. Include Title VI implementation plans of any subrecipients of federal funds through the state agency;
 - (b) Submit a copy of the implementation plan to the Auditor of Public Accounts and the Human Rights Commission; and
 - (c) Submit annual Title VI compliance reports and any implementation plan updates to the Auditor of Public Accounts and the Human Rights Commission by July 1, 1995, and each July 1 thereafter.
- (3) The Auditor of Public Accounts shall prepare a report on the actions which state agencies are required to take to implement Title VI, and a report summarizing and evaluating, relative to the required implementation actions, the initial state agency implementation plans and including audit findings from the Auditor of Public Accounts field reviews. The Auditor of Public Accounts shall transmit the reports to the Governor, the Human Rights Commission, the Legislative Research Commission, and each state agency. The Auditor of Public Accounts may prescribe the report format, procedure, and time frame for purposes of complying with this subsection. The prescribed format, procedure, and time frame shall be established by administrative regulation pursuant to KRS Chapter 13A.
- (4) In addition to being available from the promulgating state agency, all implementation plans, reports, and updates required by and submitted under subsection (2) of this section shall be available for inspection and copying under KRS 61.870 to 61.884 in the offices of the Auditor of Public Accounts.
- (5) In any annual audit made of a state agency under KRS 43.050, the Auditor of Public Accounts shall determine whether the state agency has complied with subsection (2) of this section and shall include the determination in the audit report.
- (6) To the extent permitted by federal law or regulation, any increased costs incurred by a state agency, the Auditor of Public Accounts, or the Human Rights Commission under this section shall be paid from any available federal funds that may be used for implementation of Title VI of the Federal Civil Rights Act of 1964.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 204, sec. 1, effective July 15, 1994.

45 KAR 1:080. Standards for Title VI reporting.

RELATES TO: KRS Chapter 344, 42 USC 2000d

STATUTORY AUTHORITY: KRS 344.015

NECESSITY, FUNCTION, AND CONFORMITY: The 1994 General Assembly enacted Senate Bill 248 (KRS 344.015) which requires that all state agencies as defined in KRS 12.010 prepare and submit Title VI implementation plans and annual updates to the Auditor of Public Accounts if the agency is subject to Title VI of the Federal Civil Rights Act of 1964. The Auditor of Public Accounts is responsible for the preparation and issuance of the Single Statewide Audit of Federal Funds for Kentucky state government including compliance with Title VI requirements. This administrative regulation establishes the uniform format agencies are required to use when submitting the Initial Implementation Title VI Plan and Annual Plan Updates to the Auditor of Public Accounts.

Section 1. (1) Title VI Initial Implementation Plan and Annual Plan Updates shall:

- (a) Be submitted in the format set out in Section 4 of this administrative regulation; and
 - (b) Contain the information specified by the provisions of this administrative regulation.
- (2) The entire agency shall be in compliance with Title VI, even if only one (1) federal grant is received.
- (3) Standard complaint forms or guidelines shall be developed and adopted by the agency.
- (4) Complaints shall be filed orally or in writing.
- (5) A compliance review instrument shall be developed by the agency, such as, a self-survey, assessment checklist, preaward, routine or enforcement plan, along with the criteria for selecting and scheduling reviews.
- (6) The agency shall provide persons with information relating to its Title VI plan, nondiscrimination policies, complaint procedures, programs and services.
- (a) This information may include, brochures, newsletters, contract agreements, educational materials, Title VI Act and federal regulations, and preventive outreach programs.
 - (b) Informational materials shall be made available in a centralized place for distribution upon request.
- (7) The agency shall submit annual Title VI compliance reports and updates to the plan.

(8) Agency and subrecipients shall establish a system for data collection and reporting data which shows the extent to which members of protected parties are participating in the programs and activities.

Section 2. For all state agencies receiving federal funds, an annual Title VI plan update shall be submitted to the Auditor of Public Accounts and the Kentucky Commission on Human Rights by July 1, 1995 and by July 1 each year thereafter.

Section 3. If a state agency that was not a recipient of federal funds on January 1, 1995, receives federal funds it shall prepare and submit the Title VI implementation plan within ninety (90) days of award and receipt of the federal funds.

Section 4. The federal Title VI implementation plan shall contain the information prescribed by this section in succinct and concise language. Subsections (6), (7), (9), (10), (12) and (13) of this section shall be updated annually.

(1) Glossary/definitions. Definitions of all common terms stated in the plan shall be included in this section to ensure that agency staff, recipients and beneficiaries have consistent applicable definitions.

(2) Overview. A clear and brief description of the agency mission and structure and the relationship of Title VI requirements to the agency's operations.

(3) Scope of Title VI applicability to programs and activities. Specify prohibited discrimination practices under Title VI in relation to agency activities.

(4) Responsible official. The name, title, address and telephone number of the primary contact for the agency and the person in charge of implementation, compliance and reporting shall be designated in this section.

(5) Statement of assurances.

(a) Provide a statement that the agency, subrecipients and all parties involved have complied with Title VI.

(b) This statement shall be consistent with any assurances provided to the applicable federal agency which provides funding for covered activities. Also include:

1. A statement that a subrecipient shall have agreed in writing to adopt the Title VI plan of that agency.

2. If the subrecipient's Title VI plan differs from the state agency plan, a statement that the subrecipient plan shall be available for review from the name and title of officials identified in subsection (4) of this section.

(6) Identify programs or activities subject to Title VI.

Appendix I

(a) Identify each program, type of assistance identified in the federal grant agreement, and the manner in which the agency shall deliver the service or perform the activity.

(b) List the federal program, coverages and potential beneficiaries.

(7) Complaint procedures.

(a) Describe the complaint procedures within the agency as follows:

1. How a complaint shall be filed;

2. Where to file a complaint;

3. Time frame within which the complaint shall be processed by the agency; and

4. Withdrawal of a complaint;

(b) Describe agency procedures relating to investigations, report of findings, hearings and appeals.

(8) Compliance/noncompliance reporting.

(a) Describe agency plans to regulate, monitor, review, and report on the federal programs to assure compliance.

(b) Identify actions to be taken by the agency upon a finding of noncompliance, including:

1. Processing;

2. Reporting;

3. Resolution;

4. Enforcement of corrective actions; and

5. Monitoring of programs.

(9) Agency training plan.

(a) Describe the agency education and training plan, orientation, and technical assistance related to agency implementation of the plan;

(b) Identify ways the agency plans to improve staff capability, knowledge and effectiveness.

(10) Evaluation procedures of Title VI plan.

(a) Specify how the agency shall measure its goals and the time frame established to achieve those goals.

(b) The agency shall:

1. Describe how it plans to evaluate the Title VI plan and maintain continued compliance;
2. Identify any existing needs or plan deficiencies;
3. Maintain written progress reports; and
4. Describe corrective procedures.

(11) Public notice and outreach.

(a) Identify how the agency shall inform persons about the agency's:

1. Title VI plan;
2. Complaint procedures;
3. Nondiscrimination policy; and
4. Programs and services.

(b) Identify the agency contact person, office or department responsible for distribution of information relating to paragraph (a) of this subsection.

(12) Recordkeeping and reporting.

(a) Describe the recordkeeping procedures for the following:

1. Filing and processing of complaints;
2. Administrative data or records applicable to the plan;
3. Data sheets, including, a complaint log or performance reports, standardized forms, and retention of records.

(b) Changes in subsections (8) and (9) of this section of the plan shall be identified in this subsection.

(c) Provide reporting data showing the extent to which members of protected parties are participating in the Title VI programs and activities.

(13) Minority representation on planning board or advisory body.

- (a) Describe the representation of minorities on any agency board or advisory body;
 - (b) If minority representation is deficient on these bodies, describe what policy the agency shall implement to ensure minority participation on advisory bodies; and
 - (c) Describe the race and national origin of the agency's staff.
- Section 5. The agency shall submit Title VI initial plans, and annual Title VI plan updates on the "Commonwealth of Kentucky, Auditor of Public Accounts, Title VI of the Federal Civil Rights Act, Implementation Initial Plan and Plan Update Form" (1995).
- Section 6. Incorporation By Reference. (1) "Commonwealth of Kentucky, Auditor of Public Accounts, Title VI of the Federal Civil Rights Act, Implementation Initial Plan and Plan Update Form" (1995) is incorporated by reference.
- (2) This document may be inspected, copied, or obtained at the Office of the Auditor of Public Accounts, 144 Capitol Annex, Frankfort, Kentucky 40601, 8 a.m. to 4:30 p.m., Monday through Friday. (21 Ky.R. 1399; eff. 2-8-95.)